

## NEW YORK.

Delano D. Cottrell to be postmaster at North Cohocton, Steuben County, N. Y.

Daniel L. Fethers to be postmaster at Sharon Springs, Schoharie County, N. Y.

Charles T. Knight to be postmaster at Monroe, Orange County, N. Y.

Hiram B. Odell to be postmaster at Newburgh, Orange County, N. Y.

William E. Sutfin to be postmaster at Freeville, Tompkins County, N. Y.

Henry P. Wilcox to be postmaster at Cohocton, Steuben County, N. Y.

## NORTH DAKOTA.

Cecil H. Taylor to be postmaster at Garrison, McLean County, N. Dak.

## PENNSYLVANIA.

James G. Cook to be postmaster at New Alexandria, Westmoreland County, Pa.

S. P. Ekas to be postmaster at Natrona, Allegheny County, Pa.

Roger A. McCall to be postmaster at Trafford City, Westmoreland County, Pa.

## SOUTH DAKOTA.

Arthur E. Dann to be postmaster at Centerville, Turner County, S. Dak.

## UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, Utah County, Utah.

John Peters to be postmaster at American Fork, Utah County, Utah.

## WASHINGTON.

William M. Isenhardt to be postmaster at Chelan, Chelan County, Wash.

## WEST VIRGINIA.

H. P. Graham to be postmaster at Keystone, McDowell County, W. Va.

## HOUSE OF REPRESENTATIVES.

• WEDNESDAY, January 22, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3660. An act to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.;

S. 3661. An act to establish a light and fog signal at or near Punta Gorda, in the State of California;

S. 3153. An act to make Monterey and Port Harford, in the State of California, supports of entry, and for other purposes;

S. 2580. An act for the relief of B. Jackman;

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service;

S. 1046. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property; and

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River, in Woodruff County, Ark.

## SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3660. An act to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.—to the Committee on Interstate and Foreign Commerce.

S. 3661. An act to establish a light and fog signal at or near Punta Gorda, in the State of California—to the Committee on Interstate and Foreign Commerce.

S. 3153. An act to make Monterey and Port Harford, in the State of California, supports of entry, and for other purposes—to the Committee on Ways and Means.

S. 2580. An act for the relief of B. Jackman—to the Committee on Claims.

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 1046. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property—to the Committee on Interstate and Foreign Commerce.

S. 3409. An act to extend the time of payments on certain homestead entries in Oklahoma—to the Committee on the Public Lands.

## UNITED STATES COURTS, SALISBURY, N. C.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 456) to provide for the holding of United States district and circuit courts at Salisbury, N. C., with House amendments thereto.

The bill was read, as follows:

*Be it enacted, etc.,* That two terms of the district and circuit courts of the United States for the western district of North Carolina shall be held in each and every year in the town of Salisbury, N. C., beginning, respectively, on the fourth Monday in April and October, to continue till the business is disposed of.

SEC. 2. That the clerk of the United States district and circuit courts at Statesville, N. C., shall be the clerk of the United States circuit and district courts at Salisbury, and he shall appoint a deputy clerk of said court, to reside at Salisbury, with the usual power of a deputy clerk in such cases, whose compensation shall be such proportion of the fees accruing from business done in said courts at Salisbury as shall be fixed by the judge of said court; and his actual traveling expenses and maintenance during his attendance upon the said court to be paid by the marshal of the district.

With the following committee amendment:

Strike out all after the word "Salisbury," in line 10, page 1.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman whether there is any Federal court-house in Salisbury, any place to hold this court?

Mr. WEBB. There is a Federal building. Court has been held in Salisbury for a hundred years.

Mr. PAYNE. What change does this make in the law?

Mr. WEBB. Just the sitting of the court there; that is all.

Mr. PAYNE. Simply changing the time?

Mr. WEBB. Just the sitting of the court.

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. WEBB, a motion to reconsider the last vote was laid on the table.

## LABOR TROUBLES AT GOLDFIELD, NEV.

Mr. GARDNER of New Jersey. Mr. Speaker, I call up the following privileged resolution, reported by the Committee on Labor.

The SPEAKER. The gentleman from New Jersey calls up the following privileged report from the Committee on Labor, which the Clerk will read.

The Clerk read the resolution, amended to read as follows:

*Resolved,* That the President be requested to transmit to the House of Representatives, if not incompatible with the interests of the public service, a copy of the report made to him by the special commission, composed of Lawrence O. Murray, Herbert Knox Smith, and Charles P. Nell, sent by him to Goldfield, Nev., for the purpose of investigating the labor troubles in that district and to make a report concerning the same; and also such other papers relating thereto as in his judgment are material and for the better information of the House.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

## THE CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701) the penal code bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code bill, with Mr. CURRIER in the chair.

The CHAIRMAN. When the committee rose on yesterday the pending question was an amendment offered by the gentleman from Tennessee [Mr. GAINES].

Mr. OLLIE M. JAMES. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Tennessee.

Mr. PAYNE. I raise the point of order that the committee

was dividing on the amendment, when the point of no quorum present was raised, and the thing now in order is a vote.

The CHAIRMAN. The point of the gentleman from New York is well taken.

Mr. GAINES of Tennessee. I ask unanimous consent that the substitute be accepted for the proposition that I offered yesterday.

Mr. PAYNE. Regular order!

The CHAIRMAN. The regular order is demanded.

Mr. GAINES of Tennessee. All right.

The question being taken on the amendment of Mr. GAINES of Tennessee, it was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert the following:

"Whoever, being an officer or employee of the United States, and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance or issue any false statistics or information as a report of the United States shall be fined not more than \$5,000 and imprisoned not more than five years."

The CHAIRMAN. May the Chair inquire of the gentleman from Kentucky if this amendment adds a new section?

Mr. OLLIE M. JAMES. A new section, to follow the one just read.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. OLLIE M. JAMES. Mr. Chairman, on yesterday we legislated by way of amendment to this bill a provision which provided that if any person should give out information compiled by the Agricultural Bureau relative to the agricultural products he should be guilty and fined or imprisoned as provided therein. Now, of what value is that going to be if you allow a monopoly or trust or some combination to buy up an official and get that official who compiles these figures to make a false compilation and that false compilation is issued to the farmers of the country, for instance, that the production of cotton is greater than ever before, or that the production of tobacco is greater than ever before, or that the production of wheat is greater than ever before? Now, you provide that a man who gives out that information shall be fined and imprisoned, but you nowhere have a provision that if a man falsely compiles such information he shall be imprisoned and fined.

This is no political question, and I appeal to my friends across the aisle that you who represent the farmers do not desire to vote upon this floor that the trusts of the country may buy up some employees and get a false report issued, as was issued upon the tobacco crop two years ago. [Applause.] The Agricultural Department issued a statement saying that the production of tobacco would be greater that year than any preceding year by 25 to 30 per cent. The tobacco trust at once sent its agents throughout the country and they said to the farmers, "You want to sell your tobacco; you are pooling your tobacco and holding it back for a better price, but you don't want to do it." The farmer said, "Why not?" They said, "Look at the report of the Agricultural Department compiled by your officials which states that the production of tobacco will be greater than ever before. Tobacco will go down in price." What was the result? The farmers of my section of the State sold their tobacco, believing that report to be true, and the trust profited by that false information to the extent of many thousands of dollars, and the farmers, who love their country in peace and defend it in war, are in this way robbed of the product of their toil. [Applause.]

Now, Mr. Chairman, the man who gets the advance information of the statistics relative to the production of cotton, corn, or wheat can go and play the market. He is benefited by having advance information, but the man who compiles false information and sends out false statistics affects the price of the article that is grown from the earth. You call this an agricultural department. Is it to be an agricultural department or is it to be a department to be manipulated by a lot of gamblers and thieves that prey upon the farmers of the country? [Applause.]

Mr. MANN. Will the gentleman yield for a question?

Mr. OLLIE M. JAMES. Certainly.

Mr. MANN. Is it the understanding of the gentleman from Kentucky that an officer or any official in the Agricultural Department should, for a compensation, issue or compile false statistics that there is no penalty against him?

Mr. OLLIE M. JAMES. There is absolutely none.

Mr. MANN. If the gentleman were correct in his supposition, the gentleman's amendment certainly would be very desirable—not only for the Agricultural Department, but for other Departments. But if the gentleman will look at section 119 of this bill,

which we have just passed over and which is existing law, he will discover that there is a penalty.

Mr. OLLIE M. JAMES. There is no such penalty as the gentleman seems to assert to the House. The chairman of the committee, the gentleman from Pennsylvania [Mr. MOON], admitted as much to me, and the gentleman from Indiana [Mr. CRUMPACKER] asserted it yesterday.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Kentucky have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Kentucky be extended five minutes. Is there objection?

There was no objection.

Mr. OLLIE M. JAMES. I say that if you have any such law as that, you had better put it in force. You had an opportunity to put it in force two years ago.

Mr. MANN. That is another matter, but the gentleman must not get led off. I will agree with the gentleman from Kentucky that the law ought to be enforced if there is a reason for it; nobody questions that. But certainly the law does cover any corrupt miscalculations of figures for any consideration, as the gentleman was charging would be the case.

Mr. OLLIE M. JAMES. I say we have no law which covers the provisions attempted to be covered by this new section, which provides that if any official or clerk in the Department falsely compiles or knowingly issues a false statement, whether for money or not, he shall be punished.

Mr. MANN. Ah, but that is where the gentleman is mistaken. If he does it for money, the law does make it a penalty.

Mr. OLLIE M. JAMES. Would not the gentleman make it as much a penalty if he falsely and willfully does it without money?

Mr. MANN. I was trying to see whether the gentleman was acting on the proposition which I understood him to state—that there was no penalty where a man accepted money for miscalculating these reports.

Mr. OLLIE M. JAMES. I say we have no such penalty as that to start on, and I say the second proposition the gentleman admits himself, that this penalty covers a species of offense—

Mr. MANN. Oh, I admit nothing.

Mr. OLLIE M. JAMES. The gentleman usually admits nothing.

Mr. MANN. The gentleman does not admit things when it is not necessary. I do not desire to be led away from the proposition of the gentleman, which was that there was no penalty provided where a man corruptly, for a consideration, made erroneous figures, while as a matter of fact section 119, which is the existing law, expressly provides a severe penalty for that thing.

Mr. OLLIE M. JAMES. But the gentleman admits, however, that there is no provision if he corruptly and falsely does it and does it for the purpose of affecting the market—that there is no penalty that embraces that offense, when he does it without consideration. Suppose nobody paid him. Suppose he had some friend in the market whom he wanted to help, and suppose he gave information to people of that kind that these false figures would be forthcoming, and suppose those people played the market, and suppose the trust buys the products of the farm knowing the figures to be false, the country and the farmer have been hurt just as much as if this man had received pay for that. I say that the gentleman from Illinois [Mr. MANN], notwithstanding the fact that he does not represent an agricultural district, can see the fairness of this amendment and the need of such an amendment as this to the law. I say if this is to be called an Agricultural Department, if it is for the benefit of the agricultural people, let us surround it with every safeguard, let us throw about it every sort of element that we can which will make it true and accurate. If not, then let us do away with it. What is the use of it to the farmers of the country? If this information shall be pretendedly for them and designed for their benefit, let it be truthful, absolutely reliable. If we are to not so surround this Department, then let us destroy it altogether and have no report at all. But if we are to have one, let us have one that somebody can rely on; that the agricultural people will know is accurate, if it is for their benefit, and which is not for the manipulation of some men who want to go on the market and play it for their own gain. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, I desire to be recognized for a minute or two. I will say to the gentleman from Illinois [Mr. MANN], if I can get his attention, that there is no law covering the case of corrupt calculations, or erroneous calculations, willfully issued. If the gentleman will turn to



the RECORD of yesterday he will find what the learned lawyer from Philadelphia who is in charge of this bill says, the gentleman from Pennsylvania [Mr. MOON].

Mr. MANN. Oh, I have no controversy with the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I know the gentleman has not, and he does not want to have.

Mr. MANN. The gentleman from Kentucky [Mr. OLLIE M. JAMES] was making a statement in support of his proposition which was erroneous, and I called his attention to the error of his statement.

Mr. OLLIE M. JAMES. Mr. Chairman, I challenge that statement that my statement was erroneous, and I call upon the gentleman to read the section that he refers to, and if he does so I am sure it will demonstrate that he is in error, and not myself.

Mr. MANN. The gentleman from Tennessee [Mr. GAINES] will not claim, I trust, that if an official in the Agricultural Department is purchased by the trust that the gentleman from Kentucky [Mr. OLLIE M. JAMES] referred to, and thereby makes false reports, that there is no offense under the law.

Mr. GAINES of Tennessee. I take it that there is a law possibly covering it.

Mr. MANN. Possibly covering it. Why, there is section 119, which absolutely covers it. I will admit to the gentleman from Tennessee—

Mr. GAINES of Tennessee. But that is not exactly this case.

Mr. MANN. I do not think that is the case that the gentleman from Tennessee [Mr. GAINES] sought to cover by his amendment, or that the gentleman from Kentucky [Mr. OLLIE M. JAMES] sought to cover by his amendment; but the language used by the gentleman from Kentucky went away beyond the amendment he was offering, and I was seeking to correct him so that he would not have in the RECORD statements which were erroneous, when I am sure he does not desire that.

Mr. GAINES of Tennessee. I am sure he does not desire that. I think I can clear the atmosphere a little. The gentleman from Illinois [Mr. MANN] is seeking information, just as I seek it sometimes from him, and I hope the committee will give me attention while I read the words of the gentleman from Pennsylvania [Mr. MOON], who is in charge of the bill.

Mr. GAINES of Tennessee. Now, he says this amendment is a new proposition, and it is a new proposition. It strikes at no criminal offense known to the law, but makes a crime of a certain evil.

Mr. MOON of Pennsylvania. Will the gentleman—

Mr. GAINES of Tennessee. I will read what you said in a minute; just wait.

Mr. MOON of Pennsylvania. The gentleman from Pennsylvania in that statement had reference to that which was covered by the new section sought to be introduced by the gentleman from Tennessee.

Mr. GAINES of Tennessee. I understand; but the only difference is in language. The effect of the two propositions is the same, so far as making the doing of the wrong a penal offense.

Mr. MOON of Pennsylvania. I want the gentleman from Tennessee to understand the remarks of the gentleman from Pennsylvania had reference to his amendment and not to the one now pending.

Mr. GAINES of Tennessee. The two amendments are substantially the same. You gentlemen can turn to the RECORD of yesterday, page 949, and read my amendment, and then read what the gentleman from Pennsylvania said about there being no law on the subject. Now, I will read the words of the gentleman:

Mr. MOON of Pennsylvania. Mr. Chairman, I say nothing about the necessity or importance of this kind of legislation. I say only it has no place in this bill for reasons heretofore stated.

Now, then—

*It brings in another class of persons for another thing not denounced as a crime, something that Congress has never legislated upon.*

Mr. MOON of Pennsylvania. True.

Mr. GAINES of Tennessee. "For that reason, and that reason only, I hope it will be voted down," said the gentleman. Now, he knows what the law is. I know there is no such law covering such cases, and, if so, I know that Secretary James Wilson would have prosecuted the people who made and published that corrupt statement two years ago that outraged the tobacco growers throughout the United States. There was no law then, there is no law now; yet, Mr. Chairman, in the Agricultural Department these erroneous statements were made and they were published and Secretary Wilson sent them out to the people of this country as a correct statement, and inside of about ten days or two weeks he sent out another saying they

were erroneous. He went on to explain the matter to me afterwards, when I came here, and said that a poor little woman in his Department had made this expert statement. The three men who had been hired, and whom the law required to make the statement, had skulked from their duties and had sent out in the Department somewhere and brought in this unoffending little woman who had not been engaged in that kind of work and had her compile this statement, and Secretary Wilson corrected it as soon as he could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, give me three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I am not a tobacco raiser; I never raised tobacco in my life and I am not interested in it directly. All on earth I want is, that not only the tobacco grower be protected, but the wheat grower and the corn grower and the men who raise agricultural products throughout the country and upon which the great Agricultural Department of this country operates in making these statements. The making of a false statement such as I have discussed and the sending of it out to the country is an outrage upon the people of this country and there ought to be a law making that a crime. I ask the committee seriously and with the profoundest respect for your love of country and for your farmers to adopt these four or five little words here and give the farmers of our land a protection which they have not now under the law, as the chairman in charge of this bill admits. [Applause.]

Mr. PAYNE. Mr. Chairman, this amendment is a fair illustration of the sort of paternalism which seems to have taken possession of our friends across the aisle. Now, this whole thing is wrong. They have no business to ask the Government to get the statistics and publish them and furnish them for the sake of aiding anybody speculating in the products of the soil—

Mr. GAINES of Tennessee. But does not the gentleman from New York think they should be correct when they are sent out?

Mr. PAYNE. It does not make any difference whether it is for a class who compose more than half the people of the United States, namely, the farmers, or the speculators. Speculation is wrong. It injures people. It enables some to get undue advantage and obtain something for nothing. What I object to is that the Government is asked to come in in a paternal sort of way—

Mr. GAINES of Tennessee. Will the gentleman yield a moment?

Mr. PAYNE. And get the statistics to enable them to carry on their speculation.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. PAYNE. I suppose I will have to do so, and I do it most gracefully.

Mr. GAINES of Tennessee. Does the gentleman think the Government of the United States should issue a statement that was untrue and destroy the tobacco growers, the corn growers, and wheat growers of the country? They are not speculators. They are honest men.

Mr. PAYNE. I understand the great complaint is that a couple of ladies in the Department made a mistake in the computation, and that computation went out to the world, and some people sold their tobacco at a less price than they would have gotten if the computation had been true. What do you propose to do? Do you propose to send those women, whom some one says are old women, to the penitentiary for five years and have them fined \$5,000? Do you propose to prosecute them and require them to defend themselves in court? It shows the utter impracticability of the whole scheme. If the Government obtains this information they should publish it as fast as they get it.

Mr. GAINES of Tennessee. That is not the law.

Mr. PAYNE. And it should be accessible to all the people.

Mr. CLARK of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. PAYNE. I have only two minutes.

Mr. CLARK of Missouri. I will get the gentleman some more time.

Mr. PAYNE. I dislike to take the time of the House.

Mr. CLARK of Missouri. It is a fact that the Department of Agriculture does undertake to publish statistics, is it not?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. And if they do publish them, they ought to be correct, ought they not?

Mr. PAYNE. Certainly.

Mr. CLARK of Missouri. And if any fellow sends out false information he ought to be punished for it?

Mr. PAYNE. That is another question. That is where you get into the realm of publishing everything for the purpose of enabling people to speculate. And you are not content to have the information come in from day to day, but you want the statistics gathered so that they can come in in one lump, and if there is a great shortage in the crop shown in that publication everybody on this floor and everywhere else knows that instead of the price going up normally, to correspond with the shortage of the crop, it goes up by leaps and bounds and with five or six times the addition that would naturally come to it; but if you had them published from day to day as the statistics came in it would be a natural, normal movement in the price instead of this great advance to the detriment of the people of the country.

Mr. CLARK of Missouri. But that is not the question. The question is, if they publish statistics ought they not to be honest statistics?

Mr. PAYNE. I am simply illustrating the folly of you gentlemen on the other side striving to make this Government entirely a paternal Government to watch over the interests of particular classes in this country, or the different people in this country. And you find this difficulty at every point. You must bind somebody by \$5,000 fine and five years' imprisonment in order to carry out your paternalistic ideas.

Mr. OLLIE M. JAMES. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman from New York [Mr. PAYNE] yield?

Mr. PAYNE. I have not yielded to anybody.

Mr. OLLIE M. JAMES. The gentleman from New York [Mr. PAYNE] proceeds upon false premises. He proceeds on the idea that this amendment is for the purpose of gathering information. I would call the gentleman's attention to the fact that his party is the party that put into effect the gathering of the information. Now, the purpose of this amendment is to make it true.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, and had come to no resolution thereon.

#### URGENT DEFICIENCY BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. I reserve all points of order, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I desire to give notice that I will call the bill up for consideration to-morrow morning after the reading of the Journal.

#### PERMANENT AND INDEFINITE APPROPRIATIONS.

Mr. BRICK. Mr. Speaker, by direction of the Committee on Appropriations, I make a privileged report and ask for its immediate consideration.

The Clerk read as follows:

#### Resolution 180.

*Resolved*, That the Secretary of the Treasury is hereby requested to furnish for the use of the House the following information:

First. Statement of appropriations for permanent specific and indefinite objects, giving titles and dates of acts of appropriations and references to statutes.

Second. Statement of appropriations for permanent specific and indefinite objects proposed to be repealed by H. R. 14656, Sixtieth Congress, first session, and the expenditures therefrom during the fiscal years 1906 and 1907.

Third. Statement of appropriations for permanent specific and indefinite objects not repealed by H. R. 14656, Sixtieth Congress, first session, and the expenditures therefrom during the fiscal years 1906 and 1907.

Fourth. Whether in his opinion said H. R. 14656 should be enacted, with or without amendment.

Mr. MANN. I make the point of order on the matter of asking the opinion of the Secretary of the Treasury as to whether a bill ought to be passed or not. I do not think that is a privileged matter, Mr. Speaker. I do not think it is a privileged matter to ask a Department whether Congress ought to pass a particular bill.

Mr. TAWNEY. I will say that I think the point made by the gentleman from Illinois is well taken, but it has been the practice for several years to pass resolutions of this character

asking for such information, and the Secretary of the Treasury has invariably complied with the request.

The SPEAKER. Does the gentleman ask unanimous consent for the present consideration of the resolution?

Mr. BRICK. I do.

Mr. UNDERWOOD. Reserving the right to object, I would like to have the gentleman from Indiana explain to the House what the bill is that this resolution asks the opinion of the Secretary of the Treasury on.

Mr. BRICK. It is the bill (H. R. 14656) pending before the Committee on Appropriations, for the repeal of certain permanent appropriations.

Mr. UNDERWOOD. I would like to ask the gentleman to have the bill read, so that the House may know what it is. There is no information given in the resolution as to what is in the bill.

Mr. BRICK. I think I can explain it without having to take considerable time. This resolution simply asks for information from the Department that shall go before the Committee on Appropriations in the consideration of this bill 14656, to come later on.

Mr. UNDERWOOD. Your resolution asks the opinion of an executive officer. I do not think that the membership of the House wants the opinion; but we certainly do want to know on what that opinion is asked; and I must insist on the bill being read before the request for unanimous request is granted.

Mr. BRICK. Very well; I will ask that the bill to which the resolution refers be read to the House.

The Clerk read as follows:

A bill (H. R. 14656) to repeal certain laws relating to permanent and indefinite appropriations.

*Be it enacted, etc.*, That all laws heretofore made whereby definite or indefinite sums of money have been permanently appropriated from the General Treasury for specific or general objects, except so far as they provide appropriations for sinking fund, for payment of interest, premium, or principal of the public debt, or of bonds known as the 3.65 bonds of the District of Columbia, for expenses of the Smithsonian Institution (interest on trust fund); for refunding taxes illegally collected, and for payment of allowances of drawback under the internal-revenue laws; for payment to importers excess of deposits; for payment of debentures or drawbacks, bounties, and allowances; for payment of debentures and other charges, and for refunding proceeds of unclaimed merchandise under the customs-revenue laws, and for all other refunds; for the police and firemen's relief funds of the District of Columbia, created by the act of February 25, 1885; for the support of the Soldiers' Home; Indian trust funds deposited as provided by the act entitled "An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment," approved April 1, 1880, and under other acts, and for the Navy pension fund, and for all other trust funds, be, and the same are hereby, repealed to take effect from and after June 30, 1909: *Provided*, That payment of all liabilities legally incurred in the fiscal year 1909 under any of the appropriations affected by this act may be made therefrom until the close of the fiscal year 1911, at which date all balances of said appropriations then remaining unexpended shall be carried to the surplus fund.

Sec. 2. That all appropriations hereafter made shall remain available for two years for the payment of expenditures properly incurred within the time for which they are appropriated, at the expiration of which period all appropriations or balances of appropriations which shall have been upon the books of the Treasury for said period of two years shall be carried to the surplus fund, and the limitations herein placed upon expenditures shall apply to all appropriations now upon the books of the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations not repealed by this act, to appropriations for rivers and harbors, light-houses, fortifications, public buildings, the pay of the Navy and Marine Corps, and for construction of ships of the Navy.

Sec. 3. That it shall be the duty of the heads of the several Departments of the Government to include in their annual estimates to Congress estimates of the amounts required for expenditures under appropriations affected by this act for the service of the fiscal year 1910 and annually thereafter.

Sec. 4. That all laws or parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. UNDERWOOD. Now, I would like to ask the gentleman from Indiana as to what portion of this bill the opinion of the Secretary is asked and the necessity for the opinion.

Mr. BRICK. The opinion is asked as to that which we intend to repeal; or that which the bill proposes to repeal; but, as a matter of fact, we want all the information that the Secretary of the Treasury can give us upon the whole bill.

Mr. UNDERWOOD. You ask him an opinion as to whether it is legal to repeal, constitutional, or advisable?

Mr. FITZGERALD. Will the gentleman yield to me?

Mr. BRICK. Certainly.

Mr. FITZGERALD. Personally I do not care much about the request for the opinion of the Secretary of the Treasury. Different Secretaries of the Treasury have at different times recommended that certain laws providing for permanent and indefinite appropriations for different objects be repealed, and it is believed that it would be of service to the committee in the consideration of the bill proposing to repeal some of these laws if the Secretary of the Treasury would set forth in a document



giving the facts the reasons that had urged different Secretaries to recommend the repeal of these specific appropriations.

Mr. UNDERWOOD. I would like to ask the gentleman if this is to repeal the law for the regular annual permanent appropriations and this is a new law providing that all appropriations shall be made by Congress for certain specific purposes and shall remain in the Treasury subject to check?

Mr. FITZGERALD. I think the gentleman is aware that there are a number of laws under which annually money is appropriated for certain services without being passed on by Congress. It is believed advisable that some of these laws should be repealed and that Congress should every year appropriate money for the particular service now covered in these permanent laws. It would be impossible in the ordinary transaction of the business of the Government to repeal all laws providing for the permanent appropriations, but it is believed that some of them can be repealed with benefit to the country and with some advantage to this House. The object of this amendment is to obtain from the Secretary of the Treasury, first, a statement of all of the laws providing for permanent, indefinite, or definite appropriations, the amounts that are expended under those acts, and his opinion as to whether they should be repealed, so that Congress may make specific appropriations.

Mr. UNDERWOOD. Is this the unanimous report of the committee?

Mr. FITZGERALD. The report on this resolution is unanimous, because it is believed by the committee that the information will be of great benefit to it.

Mr. CRUMPACKER. I should like to make an inquiry of the gentleman in charge of the bill. According to my interpretation of the bill it would repeal the permanent appropriation for the Naturalization Bureau. It would repeal the \$3,000,000 permanently appropriated for the enforcement of the meat-inspection law, would it not?

Mr. TAWNEY. I do not know that it would.

Mr. CRUMPACKER. I think clearly it would.

Mr. TAWNEY. I will say that the bill is not before the House. The bill was read to the House simply for information, to show the scope of the subject upon which the opinion of the Secretary of the Treasury was asked.

Mr. CRUMPACKER. I ask these questions because—

Mr. TAWNEY. I want to say this: We are expending annually about \$150,000,000 under the authority of these permanent appropriations. Concerning the service paid for out of these appropriations Congress knows nothing whatever, except in so far as we may gain information from the annual reports of the heads of the Departments having charge of the expenditure of these appropriations. It has been repeatedly urged that many of these appropriations be repealed. Take, for example, the appropriation for the collection of the customs. That appropriation was enacted many years ago, permanently appropriating \$5,500,000 for the collection of the customs. Today we are expending almost \$10,000,000 in the collection of the customs. Now half of it is expended under a permanent appropriation and the other half is expended under an annual deficiency appropriation. As to that amount, whether expended under the annual deficiency appropriation or under the permanent appropriation, there is no information given to the House as to the details of it, as would be done if Congress appropriated from year to year. Now, the Secretary of the Treasury having the administration of these expenditures under permanent appropriations, it is simply for the purpose of ascertaining what his judgment is regarding the advisability of repealing all or any of them. The Committee on Appropriations desires that information in connection with the consideration of the bill before the committee.

Mr. CRUMPACKER. Mr. Speaker, I agree with the gentleman in the view that Congress ought to make the appropriations necessary to run the Government, as far as they can be made. I only asked the question for the purpose of bringing to the attention of the House the broad scope and important character of this bill. I will not make any objection to the consideration of the resolution. The committee and the House ought to have the information. I do not believe the resolution ought to call for the opinion of the Secretary of the Treasury. If it were not such an important matter I should object to it upon that ground; but he is not compelled to give his opinion. The House ought to have the information, in order to guide its action, and therefore I make no objection to the consideration of the resolution.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

On motion of Mr. BRICK, a motion to reconsider the last vote was laid on the table

#### THE CRIMINAL CODE.

On motion of Mr. MOON of Pennsylvania, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the penal code bill (H. R. 11701), with Mr. CURRIER in the chair.

Mr. MOON of Pennsylvania. Mr. Chairman, respecting the pending amendment, I do not care to add anything to what was said by me yesterday. I understand the pending amendment embodies essentially the same principles as the amendment or new section proposed yesterday by the gentleman from Tennessee.

Mr. SHERLEY. Mr. Chairman, I desire to add a word only, in order that the committee may understand the situation. It has been suggested by the gentleman from Illinois that there is a law that now punishes the acceptance of a bribe by a public official for the sake of influencing his action. Section 119 does cover the case where an official is bribed to take a given course or a false position in regard to any of his duties, and it would cover the case of an official who accepted a bribe and then made a false report in regard to crop statistics. The amendment adopted by the committee yesterday, covering the point raised by the gentleman from Texas [Mr. BURLESON], applies to what might be called the leaking of information prior to the time appointed for its being made public. The amendment offered by the gentleman from Kentucky [Mr. OLLIE M. JAMES] punishes the knowingly issuing of a false statement in regard to these statistics, without regard to whether that knowingly false statement is the result of a bribe or not. In other words, it can and will cover a class of cases which are not now covered. For instance, if a man in charge of the gathering and publishing of these statistics knowingly makes a false statement for purposes of his own, even where there has been no bribery of him, there would now be no law to punish him. Under this act there would be.

I simply desired to bring the matter to the attention of the committee, that they might understand just what was involved.

Mr. MANN. Mr. Chairman, I fully sympathize with my friend from Tennessee [Mr. GAINES] and my friend from Kentucky [Mr. OLLIE M. JAMES] in reference to this matter. The law now provides that if for any ulterior motive, practically, if for anything coming to the party, one of the persons in the Agricultural Department, for instance, miscalculates, it is a penal offense. This proposition is to punish them where there is no reason for miscalculation.

Mr. SHERLEY. If the gentleman from Illinois will bear with me, I do not think that that statement quite meets the situation.

Mr. MANN. If the gentleman from Kentucky will pardon me, I will elucidate it further. It is true that somebody in the Agricultural Department might have a friend that he desired to benefit and might issue erroneous figures without any possible benefit coming to the person who issued them, in which case there is no punishment provided. But what I hope will be safeguarded is this: Everybody who uses figures makes mistakes.

Mr. GAINES of Tennessee. But this says "knowingly."

Mr. MANN. The gentleman from Tennessee presented an amendment yesterday, and the gentleman from Kentucky presents a substitute to-day which no one of us has had a chance to see. The other gentleman from Kentucky [Mr. SHERLEY] just now, referring to the amendment, said "knowingly issues the figures." Of course the figures are "knowingly issued;" the question is whether they are issued knowing them to be false.

Mr. SHERLEY. If the gentleman will permit me, the section does say that he shall knowingly issue false certificates, and "knowingly" applies to the falsity and his knowledge of the falsity, and properly hedges the matter around.

Mr. MANN. Well, it may be of some benefit to some gentleman to insert it in the law, but it amounts to nothing, because if you have to prove that a man or woman in the Department knew that they were miscalculating the figures, that is beyond proof.

Mr. GAINES of Tennessee. Suppose her boss made her issue them; suppose some man down there said: "You have got to do it, or I will discharge you."

Mr. MANN. She would not be the one who issued the figures; the penalty would be imposed upon her boss, and you could not prove that he knew it.

Mr. GAINES of Tennessee. In that case I would put him in the penitentiary, and—

Mr. MANN. Oh, the gentleman would not convict a woman no matter what she did; he knows it. [Laughter.] All they would have to do in a case of this kind would be to have the woman make up the figures, and if the gentleman from Tennessee was on the bench or in the jury box, there would be no conviction. [Laughter.] The only objection I make to this sort of proposition is that without being duly considered, without

passing the scrutiny of a committee that has a chance to see it in type, we can not appreciate the force of it. It may be that the distinguished gentleman from Tennessee is able to tell what a thing is by hearing it read, but, as far as I am concerned, I can never tell what the scope of an amendment is until I see it in black and white, in print.

Mr. GAINES of Tennessee. There it is, the gentleman has it in his hand. Will not the gentleman read it in the hearing of the House?

Mr. MANN. I would be very glad to read it, because it is well written, if it would be of any benefit to the gentleman from Tennessee. Otherwise I was going to yield the floor.

Whoever, being an officer or employee of the United States and whose duty requires the compilation or report of statistics for information relative to the products of the soil, shall knowingly compile for issuance or issue any false statistics or information as a report of the United States shall be fined not more than \$5,000 and imprisoned not more than five years.

It is precisely as I stated. Under this there is a penalty against the Secretary of Agriculture who knowingly issues figures which prove to be false. It does not require that he shall know them to be false. Of course I do not apprehend that a jury would convict him or that a judge would sentence him, but there are close cases at times where the Government seeks to prosecute officials. The present Administration, in my judgment, at different times, has sought not to prosecute but to persecute certain people. I do not wish to put in the control of any government the power under a technical plea to persecute an official, unless it be necessary, and I don't think it is ever necessary.

Mr. KÜSTERMANN. Mr. Chairman, this seems to be another case of the lawyers not agreeing. They are again at variance as to the correct interpretation of the law, and it seems to me that it would be far better if these laws, as well as all other laws of the United States and of the States, were written in such plain and concise form that even the common people would understand them. It would then not be necessary to go to a lawyer to get an interpretation of the law, and find that he did not agree with some other lawyer. [Laughter.] Why, the laws are made for the people, to tell them what to do and what not to do, and to inform them what punishment awaits them if they do not conform to the law. For this reason the laws ought to be so framed as to be easily understood by everyone. We could have profited by the example set by Germany in framing their civil code, a book so plainly written that everyone who can read a third reader can understand what the law means. A number of judges worked on that code for years, and when finally published, the laws were plain and understood by all. Those laws complete can be bought for 19 cents a volume, and when people are at outs about anything, the two parties concerned come together, read the laws, understand the laws, and act accordingly. I hope the time will come when we will not have as many synonyms and such long, complicated sentences in our laws, and that they will be plain, so plain that the people for whom they are intended will understand them. [Applause.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Wisconsin if he can give us a reference to a place where we can buy that book.

Mr. HEFLIN. Mr. Chairman, I want to ask the gentleman from Illinois a question. The passage of this amendment will protect the producer in other ways. Suppose a man in a Department compiles these figures without having a bribe offered to him, and knowingly issues false statements and then goes and speculates in the market himself. It will reach that evil also?

Mr. MANN. Oh, I fully agree with the gentleman, that the matter ought to be covered in some way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 112 for the purpose of offering a few formal amendments to that section. The amendments I wish to offer are as follows:

On line 1, page 55, after the word "elected," to add the words "or appointed."

On lines 2 and 3, page 55, to strike out the words "from any Territory of the United States."

On line 3 to add the words "or appointment" after the word "elections."

The CHAIRMAN. The Clerk informs the Chair that the second amendment the gentleman has just referred to has been agreed to.

Mr. DENBY. I ask unanimous consent to return to the section for the purpose of offering the other amendments.

The CHAIRMAN. The gentleman asks unanimous consent to

return to section 112 for the purpose of offering the amendments which he has read. Is there objection?

Mr. BARTLETT of Georgia. Mr. Chairman, reserving the right to object, I desire to ask a question. I do not desire to object if this is necessary, but we have heretofore been told that this bill was so perfect a piece of legislation that it could not be improved upon; that it was as perfect a piece as could be conceived by Commission or by any committee. I am, therefore, rather surprised that anything has escaped the attention of the committee—that there is any imperfection in it. I did not hear what the gentleman said, but I would like to know why it is necessary to return to any particular paragraph to perfect it?

Mr. DENBY. Mr. Chairman, I will be very glad to explain.

Mr. BARTLETT of Georgia. Before the gentleman proceeds I would call his attention to the fact that there have been one or two requests for unanimous consent to return to a paragraph made by gentlemen who were unfortunate enough to occupy a seat on this side of the Chamber, and those requests have been uniformly refused, even though the amendment suggested was an amendment that many of us thought was a proper one. I do not desire to retaliate, and shall not do so if the gentleman will inform me what the necessity of returning to this section is.

Mr. DENBY. I am very glad to explain to the gentleman from Georgia and to the committee very briefly what the amendment covers which I seek to offer. In those sections which deal with Congressional offenses the words "elected a Member or Delegate to Congress" were used in the bill as submitted to the House. In an amendment, emanating from the gentleman's side of the House, but accepted very gladly, the words "or appointed" were added, in order to cover the case of Members of Congress not only elected, but also those who had been appointed. That amendment was put in most of the sections, but omitted by accident in the rush of the debate from several other sections. The purpose is to make the language uniform in all.

Mr. BARTLETT of Georgia. Mr. Chairman, I readily perceive the propriety and the necessity of the gentleman's amendment. The only thing about it is that we should all realize that this bill is not such a piece of perfection as it was originally thought to be.

Mr. PERKINS. Mr. Chairman, pending the right to object, will the gentleman yield for a question? The gentleman asks to insert, after the word "elected," the words "or appointed."

Mr. DENBY. Line 1, page 55; yes.

Mr. PERKINS. A Member of Congress can not be appointed.

Mr. DENBY. But a Senator is a Member of Congress, and a Senator may be appointed by a governor.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 55, line 1, after the word "elected," insert the words "or appointed," and in line 3, after the word "election," insert the words "or appointment."

The question was taken, and the amendments were agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 113 for the purpose of offering the following amendment:

Page 56, line 5, after the word "election," add the words "or appointment."

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 113 for the purpose of offering the amendment which he has stated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 5, after the word "election," insert the words "or appointment."

The question was taken, and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 114 for the purpose of offering the following amendment:

Page 56, after the word "elected," add the words "or appointed."

Also,

Page 56, line 18, after the word "election," add the words "or appointment."

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to return to section 114 for the purpose of offering the amendment which he has stated. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk will report the amendment.



The Clerk read as follows:

Page 56, line 16, after the word "elected," insert the words "or appointed;" and, in line 18, after the word "election," insert the words "or appointment."

The question was taken, and the amendments were agreed to.

Mr. DENBY. Mr. Chairman, I ask unanimous consent to return to section 117 for the purpose of offering the following amendment: Page 59, line 6, after the word "election," add the words "or appointment."

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 6, after the word "election," insert the words "or appointment."

The question was taken, and the amendment was agreed to.

Mr. WANGER. Mr. Chairman, right here I would like to ask the chairman of the committee whether there has been any amendment to section 7 as it was reported by the committee.

Mr. MOON of Pennsylvania. Section 7 of the bill?

Mr. WANGER. Yes. The section as reported forbids recruiting of any soldiers or sailors within the United States or within any place subject to the jurisdiction thereof to engage in armed hostilities against the same, and then forbids the opening within the United States of a recruiting station for the enlistment of such soldiers or sailors, but it does not forbid the opening of a recruiting office in any place subject to the jurisdiction of the United States, and apparently it certainly should.

Mr. DENBY. The section as reported to the House forbids the opening of a recruiting station in any place subject to the jurisdiction of the United States, as well as in the United States.

Mr. WANGER. Then the bill itself is different from the report. No; I think my friend is mistaken in his supposition. It forbids the recruiting in the United States or in any place subject to the jurisdiction of the United States, but it only forbids the opening within the United States of a recruiting station.

Mr. DENBY. I see the gentleman's point, although it would seem to me the language of the bill fully covers the point.

Mr. WANGER. I think not.

Mr. DENBY. Because a recruiting station might be opened subject to the jurisdiction of the United States, but the bill specifically forbids recruiting, and a recruiting station would be useless if they could not recruit soldiers there.

Mr. WANGER. But, as we forbid the opening of any such station within the United States, should we not also forbid the opening of it in any place subject to the jurisdiction of the United States?

Mr. DENBY. Well, unless the gentleman feels the matter is so important, it seems to me it is covered sufficiently by the existing language. As I say, there might be a recruiting station, but if you could not recruit at it, it would be of no value.

Mr. WANGER. You might not be able to prove as to recruiting, but it might be easy to prove the opening of a recruiting station. I will ask unanimous consent to return to that section.

Mr. MOON of Pennsylvania. I would say to the gentleman from Pennsylvania [Mr. WANGER] that the—

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] asks unanimous consent to return to section 7.

Mr. MOON of Pennsylvania. Mr. Chairman, I must insist on the regular order. And I want to say to my colleague—

The CHAIRMAN. If the gentleman insists on the regular order, the Clerk will read.

The Clerk read as follows:

Sec. 125. [Whoever having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than \$2,000 and imprisoned not more than five years.]

Mr. GARRETT. Mr. Chairman, it is my purpose later on in the consideration of this bill—

The CHAIRMAN. Does the gentleman make some motion?

Mr. GARRETT. I move to strike out the last word. It is my purpose in the consideration of this bill to offer an amendment. That amendment will be offered in good faith. It touches upon what seems to me to be an important matter, worthy of the consideration of this committee. And I desire to send now to the desk and have read in my time the amendment which I shall propose in order that it may go into the

RECORD and be scrutinized by the members of this committee before the section is reached.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

Page 113, after section 214, insert the following as a new section, to be numbered section 214a.

"No letter, postal card, circular, book, newspaper, pamphlet, writing, or other publication containing any advertisement, notice, account, or record of any contract which is made for future delivery of any product or products of the soil, minerals, meats, stocks, bonds, or anything whatsoever, tangible or intangible, without agreeing and intending that the article or stock or asset which is the subject of such contract shall be actually delivered or received in kind, or relating to any contract wherein any party thereto in whose behalf such contract is made acquires the right or privileges to demand in the future the acceptance or delivery of such article or asset without being thereby obligated to deliver or accept same; and no check, draft, bill, money, postal note, money order, or other instrument of payment or obligation for any such contract or transaction hereinabove defined; and no notice, letter, writing, or publication of any kind or character referring or relating to what is commonly called "dealing in futures," "stock gambling," or other names or terms intended to be understood as relating to such contracts as are herein described, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier."

"Whoever shall knowingly deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than \$5,000 and imprisoned not more than two years; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed."

The CHAIRMAN. Just one moment.

Mr. GARRETT. Gentlemen, in scrutinizing this amendment, will find that it is modeled after the lottery section. I am not clear but that the amendment should come immediately after section 215 rather than 214. That is a mere matter of detail which can be taken up when the time arrives. I have placed it in the RECORD in order that any interested may scrutinize it by the time we reach the section.

Mr. MOON of Pennsylvania. As I understand, there is no motion.

Mr. GARRETT. No, not now.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word in order to make an inquiry of the gentleman from Pennsylvania [Mr. Moon] in reference to this section which has just been read. I understand that in this section you propose to incorporate words defining perjury. According to the note at the head of this bill, as being embraced in brackets, this section is formed by combining different sections or provisions of existing law. Is that correct?

Mr. MOON of Pennsylvania. The brackets indicate more than that.

Mr. BARTLETT of Georgia. I have just read what the gentleman has reported to the House they indicate, as shown on the very first page of the bill.

Mr. MOON of Pennsylvania. The gentleman will observe—

Mr. BARTLETT of Georgia. I did not use my own language. I used the language of the committee when I called the gentleman's attention to that.

Mr. MOON of Pennsylvania. The paragraph at the head of the bill explaining the use of the bracket says it is applied to sections "from which any material thing has been omitted or which is made by combining together two sections," and the gentleman will find upon examining the section under consideration that something material has been omitted out of existing law in section 125, and therefore it is in brackets, and the report explaining section 125 calls attention to it.

Mr. BARTLETT of Georgia. I have read the report. The gentleman, then, admits there has been something omitted from the existing law in this section. My recollection is quite clear that the gentleman does not provide for false swearing anywhere. It makes a false affidavit or false oath, whether in judicial proceeding or not, a perjury.

Mr. MOON of Pennsylvania. This section is existing law with the single exception it strikes out the disqualification to testify upon conviction. This does not alter existing law in any respect except that.

Mr. BARTLETT of Georgia. Can the gentleman give some good reason—and I have no doubt he has one—why a person convicted of perjury should be permitted to testify as a witness in the courts?

Mr. MOON of Pennsylvania. Yes.

Mr. BARTLETT of Georgia. I would like to hear it.

Mr. MOON of Pennsylvania. Well, that, as the gentleman, who is an experienced lawyer, knows, is one of the remnants of the old common law of disqualification—the application of the

doctrine of the crimen falsi. The gentleman also knows that that doctrine is almost entirely exploded and has little or no application in modern jurisprudence and that nearly all modern States have stricken it out of their criminal code. It has been done in England, and has been done in most of the States of the Union. This is a part of the great advance that has been made in the administration of justice in recent years, the advance that now permits a defendant to testify in his own behalf, his interest in the subject-matter affecting only his credibility as a witness. And, in line with that advance, England and most States have permitted a man convicted of perjury to testify, leaving the fact of his conviction to go to his credibility as a witness. It is in the line of modern penology. I could give the gentleman a list of the States if he desires it.

Mr. BARTLETT of Georgia. I do not wish that. But all the States do not follow it. Most of the States have removed the disqualification of interest or the fact if a person is convicted of felony or of a misdemeanor, but I do not understand that all of the States removed the disqualification, where a man is convicted of perjury, from testifying. I know that all the States have set aside a verdict based upon testimony given by a witness who is convicted of perjury. The point I rose to inquire about is that it makes everything here perjury, whether this false swearing and false proceeding is in the nature of a judicial proceeding or not. The distinction between perjury and false swearing is that perjury is committed in a judicial proceeding, and false swearing is that wherein the false swearing is not in a judicial proceeding.

Mr. MOON of Pennsylvania. Well, I will say to the gentleman that this is the law of the United States and has been for a great many years. The law of to-day says exactly as does the section proposed, that whoever, having taken an oath before a competent tribunal, officer, or person in any case in which the law of the United States authorizes an oath to be administered in a matter that is material to the subject, and having taken such oath, testifies falsely in that respect, shall be guilty of perjury.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

SEC. 126. Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

Mr. HARDY. I move to strike out the last word. I rise, Mr. Chairman, just in passing, to call attention to the fact, as evidenced by the explanation made by the gentleman in charge of this bill a moment ago, that this is not a bill simply to codify, but that this committee have in numerous instances, that being one, assumed the right or the duty to provide very important amendments to the law as it now exists. Now, the amendment we have made to enable the convicted perjurer to still testify is one I am in favor of. It is in line, as stated by the Chairman, with modern judicial enactment; but it is a very material one when it gives the right thereunder given to a convicted felon. I wished to simply make this note for the purpose of saying that when we come to equally important amendments before this House in the progress of this bill it ought not to be a bar to their discussion or prevent their enactment to simply assert that it is new law.

The Clerk read as follows:

SEC. 127. Whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect; or whoever shall acknowledge, or procure to be acknowledged, in any such court, any recognition, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than \$5,000, or imprisoned not more than seven years, or both; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted, for any person against whom such judgment is had or given.

Mr. DRISCOLL. I desire to ask the gentleman in charge of the bill a question. It says "whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed," etc. Now, is it necessary to have such bad result follow in order to make a crime of the stealing and taking away or falsifying the record? Is there any punishment for that, in case the bad result provided for does not follow? Do you see the point?

Mr. MOON of Pennsylvania. Yes; I see the point.

Mr. DRISCOLL. I would like to have that explained. Is there any provision for punishment in this act in a case where a bad result does not follow from it?

Mr. MOON of Pennsylvania. The gentleman will realize the difficulty of answering all these questions upon the spur of the moment. Now, I will answer it in a moment, and I think per-

haps conclusively. We now have this law existing in the statute book. When a gentleman asks me on the floor when I am considering the whole bill, it is necessarily difficult to answer questions covering every item of the bill; but I will say to the gentleman that the next section practically covers the thought in his mind, section 128, which we have broadened very materially by the addition of other words, which I think covers that.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 131. [Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.]

Mr. DE ARMOND. Mr. Chairman, I have an amendment to offer to that section.

The Clerk read as follows:

Amend section 131 by inserting on page 66, line 4, between the words "thereon" and "shall," the following: "or because of any such action, vote, opinion, or decision."

Mr. DE ARMOND. Mr. Chairman, the section as it now stands provides for punishing anybody who shall give or offer to a judge any money or property for the purpose of influencing his vote, opinion, action, or decision. If the amendment were incorporated, it would also provide that anybody who gives to him any of these things because or on account of his action, vote, opinion, or decision shall be punished in that way. I would ask the Clerk to read that part of the section as it would read if the amendment were incorporated.

The Clerk read as follows:

Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

Mr. MOON of Pennsylvania. I will say to the gentleman that I think this makes it clearer and stronger, and I accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND]. The amendment was agreed to.

The Clerk read as follows:

SEC. 132. Whoever, being a judge of a court of the United States, shall in anywise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

Mr. SHERLEY. Mr. Chairman, I move to strike out, after the word "judge," in the first line of the paragraph, the words "of a court," so that it will read:

Whoever, being a judge of the United States.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 8, page 66, strike out the words "of a court."

Mr. SHERLEY. Mr. Chairman, as the section now reads, it might limit the section to a judge of a court in the United States, leaving the words "of a court" to qualify the words "of the United States;" whereas the section should apply also to the United States judge of a Territorial court. I think the words "of a court" narrow the section unnecessarily.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend section 132 by inserting, on page 66, line 15, between the words "him" and "shall," the words "or because of any opinion, ruling, decision, judgment, or decree."

Mr. DE ARMOND. Mr. Chairman, that amendment is of precisely the same character as the one offered to the preceding section, which has been agreed to.

Mr. MOON of Pennsylvania. I should like to have the Clerk read the section as it would read when amended.

The CHAIRMAN. Without objection the Clerk will report the section as it would read if amended.



## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and, Mr. DAVIDSON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

## CODIFICATION OF THE PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 132. Whoever, being a judge of the United States, shall in any wise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any opinion, ruling, decision, judgment, or decree, shall be fined not more than \$20,000 or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

Mr. MOON of Pennsylvania. Mr. Chairman, it seems to me that amendment covers the same thing that was covered in section 131, and is in the line of the section itself, and the committee, accordingly, make no opposition to it.

Mr. DRISCOLL. It seems to me the gentleman ought to add the words "rendered by him" to make it complete.

Mr. DE ARMOND. I think it refers to just exactly what the other refers to, and covers it completely, in my opinion.

Mr. DRISCOLL. I do not think it is clear.

Mr. MOON of Pennsylvania. I should like to have the Clerk read that once more.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. SHERLEY. I suggest that, if the gentleman will permit, the word "such" be put in there, so that it will read "because of any such opinion," etc.; that will make the sentence perfectly plain.

Mr. DE ARMOND. Very well, put in the word "such."

Mr. DRISCOLL. Why not put in the words "rendered by him?"

Mr. DE ARMOND. I think those words tend to narrow it, because that phrase is not used in the other part of the section. I think putting in the word "such" is entirely unobjectionable, and I have no objection to that.

The CHAIRMAN. Does the gentleman from Kentucky offer that as an amendment?

Mr. SHERLEY. I offer that as an amendment to the amendment.

The CHAIRMAN. The gentleman from Kentucky offers the following amendment to the amendment proposed by the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

Amend the amendment so as to read "or because of any such opinion, ruling, decision, judgment, or decree."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 133. Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 133 by inserting on page 67, line 2, between the words "thereby" and "shall," the following: "or because of any such vote, opinion, action, judgment, or decision."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 134. Whoever being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive or agree or offer to receive a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, shall be fined not more than \$2,000, or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 134, on page 69, by inserting between the word "proceeding," lines 11 and 12, and the word "shall," in line 12, the words "or because of any such testimony of such absence."

Mr. DRISCOLL. Mr. Chairman, I would like to have the section read as it will read with that proposed amendment incorporated.

The CHAIRMAN. Without objection, the section will be read.

The Clerk read as follows:

SEC. 134. Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive or agree or offer to receive a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of any such testimony of such absence, shall be fined not more than \$2,000, or imprisoned not more than two years, or both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 138. Whoever being a prisoner, confined in a prison, penitentiary, jail, or other place of detention, or being in lawful custody of an officer or other person by authority of the United States, shall escape or attempt to escape from such prison, penitentiary, jail, or other place of detention, or custody, shall be fined not more than \$1,000, or imprisoned not more than seven years, or both.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to strike out the last word for the purpose of making a statement. Mr. Chairman, I apprehend that this is new matter in this bill, and while I have no serious objection to punishing a prisoner who may attempt to escape, or escapes after conviction, because most States have that law—although I think it a very unkind and harsh law—I do not desire to assent to a proposition that would punish a man for escaping before he is convicted. In other words, this section is so broad that a man may be convicted for getting away from the custody of an officer who has him in charge, when upon trial he would not be convicted of any offense. In many cases, for escaping from an officer who had arrested him for misdemeanor, or a mere trifling offense, it would render a man subject to be indicted, tried, and convicted for a very serious felony. I do not desire to assent to that proposition. I do not desire to assent to the proposition that if a man before he is convicted when arrested charged with some misdemeanor, escapes or attempts to escape from the custody of an officer, he is guilty of a felony, no matter what may be the offense of which he is charged. Therefore, I offer this amendment so as to confine it to an escape after conviction. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Page 69 add after the word "prisoner," in line 1, the following: "under conviction or sentence." Also by inserting in line 3, page 69, before the word "in," the words "convicted and."

Mr. BARTLETT of Georgia. So that the section will read that "whoever, being a prisoner, after conviction or sentence shall escape," etc., and to the other part of the section, "being in lawful custody," I propose to add, before the words "in lawful custody," "after being convicted and in lawful custody," etc.

Now, we are here making it an offense for a man to escape or attempt to escape—not to resist an officer or anything of that sort, because there are other provisions in this code which provide for resisting an officer and for rescuing or attempting to rescue a prisoner.

Very often a man escapes, or makes a technical escape, from the custody of an officer when the prisoner is not guilty of anything. I have known cases where men have been arrested, knew they were not guilty, have escaped from the officer when they had the opportunity for the purpose of securing bail, and then in a few days delivering themselves up to the officer, giving bail, in order that they might not go to jail.

Members must remember that in the territory in which some of us live persons may be arrested hundreds of miles from that portion of the district where the commissioner lives or the courts are held, and to take them there without providing for bail means that they must remain in jail. Men are often arrested that are not convicted in the United States court. It often occurs in other courts, and therefore I do not desire, when the provision was never in the law before, to make the offense a crime for a man who escapes, or attempts to escape, from the custody of an officer, a man who has not been lawfully convicted or guilty of anything and is charged with being guilty of a misdemeanor—I am not in favor of making that a felony under the law. It does not say if he resists an officer. This is simply to escape—

Mr. DRISCOLL. Will the gentleman yield to a question?

Mr. BARTLETT of Georgia. Let me finish the sentence. If

he simply gets away from the officer who has gone asleep on board a train, say, if he walks out or if he escapes from an officer without the use of any force, he is guilty of a felony, and I do not like this new addition to the criminal code which makes a man who is not guilty, who can never be found guilty, guilty of a felony because he escapes either through the negligence of an officer or by any other means, not using any force to escape.

Mr. DRISCOLL. As I understand the gentleman, he says that if a man is convicted of a crime and escapes after such conviction he may be properly punished under this proposed section.

Mr. BARTLETT of Georgia. I did not say I was in favor of it. I said I was more in favor of that than I was of the section as it stands. I do not think it accords with humanity to enact the section into law.

Mr. DRISCOLL. If he is not convicted and escapes pending a trial or before the trial, you would not have him subject to this section.

Mr. BARTLETT of Georgia. I do not hear the gentleman.

Mr. DRISCOLL. If he is not convicted, if it is before trial, and of course before trial he would not be convicted, therefore you think this section should not apply.

Mr. BARTLETT of Georgia. I do not think we should punish a man who simply escapes before trial.

Mr. DRISCOLL. But suppose he is actually guilty.

Mr. BARTLETT of Georgia. No man is actually guilty who is not found guilty.

Mr. DRISCOLL. But suppose he is guilty and suppose he gets away so that he never can be convicted, would you not consider the escaping before trial some offense? Assume that he is guilty and that he gets away.

Mr. BARTLETT of Georgia. I said it ought not to be any offense to get away before he is convicted; to make it any greater crime for an innocent man to get away than for a guilty man to be convicted.

Mr. DRISCOLL. If he is innocent, why should he not wait and stand trial?

Mr. BARTLETT of Georgia. Oh, a great many men do stand trial who are not guilty, and a great many men get away from the jail in order to get bail and not be confined who are not guilty.

Mr. RUSSELL of Missouri. Mr. Chairman, I observe that the gentleman from Georgia says that this statute would convict a man of a felony.

Mr. BARTLETT of Georgia. Yes.

Mr. RUSSELL of Missouri. I understand from the reading of this section that he may be fined not exceeding \$1,000.

Mr. BARTLETT of Georgia. Or imprisoned not more than seven years.

Mr. RUSSELL of Missouri. That permits the court to fine him or imprison him either.

Mr. BARTLETT of Georgia. Yes.

Mr. RUSSELL of Missouri. If he is fined \$1 he would not be convicted of a felony, would he?

Mr. BARTLETT of Georgia. You indict him for a penitentiary offense, and we do not define felonies, as I understand it, by the United States statute. Some of the States do, and in some States a felony is a crime punishable by imprisonment in the penitentiary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUSSELL of Missouri. I desire to ask the further question: Does the gentleman not think that anyone who is a prisoner in charge of an officer and charged with a crime—that it is his duty as a good citizen to observe and respect the constituted authorities, even though he may not be guilty of a crime?

Mr. BARTLETT of Georgia. Certainly I do. There is no question about my believing that.

Mr. RUSSELL of Missouri. Under this section of law the discretion is left at last to the court to impose a fine as low as \$1.

Mr. BARTLETT of Georgia. That is all true, Mr. Chairman, but I do not believe that after living under this law for one hundred years or more—and this is all new now, as I understand it; it is something which has emanated from the brain of the Commission and has been approved by the gentlemen who made up this report—I do not believe that we ought to make it a crime for a man who has not been adjudged guilty to escape. I do believe it ought to be made a crime if you resist an arrest or if you get away by assault upon an officer, and that is provided, but for a man to escape—and not only that, but you make it a crime if he attempts to escape, and

you make an attempt to escape as great a misdemeanor as the escaping itself. Officers who could not secure evidence sufficient to convict a man of a charge for which they have arrested him could very easily put up a charge by saying the man tried to escape, by saying that they can not convict him of the offense for which they arrested him, but that they will charge him with an attempt to escape, and that they will convict him of that, because nobody is present at the arrest but themselves and the prisoner.

I have offered these amendments because I do not think that an untried, unconvicted, not-found-guilty man should be put upon the same footing in the matter here dealt with in this section as a man who has been adjudged by the law to be a convicted felon or a man guilty of a misdemeanor, for everybody is presumed under the humanity of our law to be innocent until they are shown to be guilty. Here we make it a serious offense, in many cases a much more serious offense than the man may be charged with when arrested, to escape or to attempt to escape. Against the introduction of such inhumanity into the law I, for one, protest.

The question was taken, and the Chairman announced that the ayes appeared to have it.

On a division (demanded by Mr. Moon of Pennsylvania) there were—ayes 26, noes 31.

So the amendment was rejected.

The Clerk read as follows:

Sec. 139. Whenever any marshal, deputy marshal, ministerial officer, or other person has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person voluntarily suffers such prisoner to escape, he shall be fined not more than \$2,000, or imprisoned not more than two years, or both.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 139, on page 69, by inserting in line 13, between the words "voluntarily" and "suffers," the following: "or negligently."

Mr. DE ARMOND. Mr. Chairman, if that amendment were adopted an officer would be liable to the penalties imposed by the section for a negligent escape as well as a voluntary one. It seems to me it would improve the section to incorporate that word.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. DE ARMOND) there were—ayes 26, noes 34.

So the amendment was rejected.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out in line 15, page 59, the word "two" and insert the word "seven," so it will read "seven years" in place of two.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 15, after the word "than" strike out the word "two" and insert "seven," so as to read "not more than seven years."

Mr. BARTLETT of Georgia. Mr. Chairman, we have just refused in any way to change this new and modern proposition, put into this bill by the Commission and the committee on revision, by which we make it a crime punishable by seven years' imprisonment, at least it may be that long, for a man to escape from an officer, and we have the remarkable proposition in the next section where you only make it a crime punishable by two years for an officer to voluntarily let him get away. Now, it occurs to me that the punishment ought to be severer upon the officer whose duty it is to keep the prisoner in custody than it is for the prisoner to escape. We have here a law which makes it seven years for a man to escape and makes it a crime punishable for two years for an officer to permit him to get away or who accepts a bribe or who walks away leaving him and telling him to go; it occurs to me that the greater punishment ought to be visited upon the officer and not upon the man.

Mr. SHERLEY. What is the gentleman's amendment? I was unavoidably absent at the time he offered it.

Mr. BARTLETT of Georgia. I tried to amend the other section, and I now propose in this section 139 to make the officer equally guilty and punish him by seven years' imprisonment well as the man who gets away. You make it in the bill but two years.

Mr. SHERLEY. Your motion is to strike out "two" and substitute "seven?"

Mr. BARTLETT of Georgia. Yes, sir.

Mr. SHERLEY. I do not think there is any objection to that. I think it might be a grave offense and ought to be properly punished.



Mr. BARTLETT of Georgia. I think so, too. If you punish the man for getting away, you ought to punish the man for letting him get away. That is all I have to say. I do not desire to disturb the consistency and beauty of this bill, but I want to see if I can make it a little more consistent and symmetrical.

Mr. MOON of Pennsylvania. Mr. Chairman, the distinction between the punishment in those two cases is based upon the fact that the prisoner in attempting to escape frequently uses violence, and it is often the case that the life of the jailer or the person who has him in custody is in jeopardy. In the other case it is simply a man who permits him to escape, being the man who has him in custody, and he might be liable even without the amendment of the gentleman from Missouri, for doing it negligently, and it seems to me, therefore, the punishment in one case ought to be greater than in the other.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOON of Pennsylvania. Division, Mr. Chairman.

The committee divided, and there were—ayes 37, noes 40.

So the amendment was rejected.

The Clerk read as follows:

SEC. 141. [Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than \$300 and imprisoned not more than one year.]

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 141 by striking out in line 25, page 60, and line 1, page 70, the following words: "or other person duly authorized;" also by striking out the words "or United States Commissioner," line 4, page 70; also by striking out the words "or other legal or judicial writ or process," in line 7, page 70, and inserting between the word "shall," line 4, and the word "assault," line 5, page 70, the words "knowingly and willfully."

Mr. DE ARMOND. Mr. Chairman, but slight changes have been made in this section so far as the number of words introduced into it in addition to those that were in before are concerned, but the effect is a very considerable one. I do not know how thoroughly the committee may have taken that into account. They have entirely changed the form of expression. I understand that to be in conformity with their general principle of endeavoring to have uniform expression in the wording of the statutes. In this particular instance what was expressed in the old statute in the old language would be better expressed in the new statute in the old language, but that aside, they have incorporated some new elements which it appears to me ought not to be included. For instance, in the first part of the section they have incorporated the words "or other person duly authorized," words which the amendment proposes to strike out. Now, I do not think that those words ought to be put into this section. As they have worded it the section provides that "whoever shall knowingly or willfully obstruct, resist, or oppose any officer of the United States or other person duly authorized." This is a highly penal statute, and it seems to me that unless there be absolute necessity for it the outside especially authorized person, who may be vaguely and improperly authorized, ought not to be included. I believe, too, that the addition of "or United States commissioner," or, in other words, making the process of the United States commissioner have the same effect and amount to the same thing, so far as this section is concerned, as that which issues from the court, is not right. Then as to the final addition which it is moved to strike out "or other legal or judicial writ or process," I confess I do not know, and I am not sure that the committee precisely knows, just what that is meant to be or to express. The words which we have already in the statute in the old law are "writ, rule, order, process, or warrant." That, according to the notions of these gentlemen, is not sufficiently comprehensive, but we take in "other legal or judicial writ or process." That may be meant to cover something extraordinary, unusual, adapted to some special case, to reach some emergency, as it may be supposed, or it may be general language employed in a general way. If the purpose be to reach some case not covered by the old language of the statute, I think that purpose ought to be disclosed—we ought to know what it is. It seems to me it could not very well be a good purpose. If the words are put in without having any special meaning and without any special

purpose, then it would appear to me that the section is strong enough with those words omitted and with the old words in the section employed as they are.

The remaining part of the amendment goes to the insertion of the words "knowingly and willfully," those which are employed at the outset in the section, before the word "shall," in its final denunciation of the penalty. Now, in the change of the phraseology in the rewriting of the section it is very clear, of course, that the words "knowingly and willfully" describe that part of the offense which consists in obstructing, resisting, or opposing an officer of the United States; but when we come down to the next clause, where the provision is "shall assault, beat, or wound any officer or other person," the word "shall" being repeated and different verbs being employed, it seems to me, without the repetition those words are not to be supplied by construction, and so are not in the section. As the section was worded of old, the main qualifiers were carried clear through, because the construction was such as to carry them clear through.

But here are thoroughly distinct clauses, and if you want to provide that to assault, beat, or wound any officer or other person in order to constitute an offense shall be done knowingly and willfully, I think it becomes necessary to use those words, to repeat them. I think that the amendment is a decided improvement to the section. It would remove something which must be unnecessary as surplusage, or possibly may be dangerous; and it would leave beyond implication and beyond construction the question whether this specification of knowingly and willfully is to apply throughout or apply only to the early portion.

Mr. MOON of Pennsylvania. Mr. Chairman, I will say for the information of the committee that the enlargement of this law was reported by the Revision Commission on the recommendation of the Department of Justice. I think it explains itself. It seems to be perfectly clear. The words that the amendment of the gentleman from Missouri seeks to exclude, "or other persons duly authorized," includes in this law persons who might be appointed deputies by the court to serve processes. It was the feeling of the Commission, and it was the recommendation of the Department of Justice, I will say, based on the experience of the Department and on the experience of that class of men engaged in the execution of mandates of courts of justice, that they who were not officers, but men specially appointed to serve the orders of the court, ought to be protected. Respecting the amendment of the gentleman to strike out the words "United States commissioner," it would seem to me not to need any explanation, that without the addition of the words "United States commissioner" added to the words "judges of the court," persons could willfully obstruct, resist, and oppose the service of a warrant issued against a criminal, as it is well known that warrants for the arrest of persons charged with a violation of Federal statutes are generally issued by United States commissioners, and as the law exists to-day without this enlargement the resisting of an officer of that kind, obstructing or opposing the execution of a warrant issued by a United States commissioner can not be punished. The additional amendment offered by the gentleman seeking to strike from the section the words "or other legal or judicial writ or process" in the enumeration of the orders and process of the courts which its officers are to be protected in serving seems to me ought not to prevail. Your committee believe with the Commission of Revision that these words were necessary in order to punish as a crime the attempt to obstruct or resist service of any process issued by a court or by the legally constituted authorities of the United States, and that there might be other processes or writs which the enumeration contained in the statute did not cover. For that reason they have inserted the amendment, and we believe it is a necessary enlargement of existing law.

Mr. DE ARMOND. I would like to ask the gentleman a question. Why is it that they think that if this process or writ shall be issued by the court commissioner these particular words should be used?

Mr. MOON of Pennsylvania. I would say to the gentleman that at the present moment I can not state what particular process might be omitted, but that the Department of Justice and the Commission and the committee at the time it considered the bill felt that these words, "writ, rule, order, process, warrant," might not cover all of the legal writs that might be issued in a court of the United States, and that ought to be served by a proper constituted officer, and they also felt that the court ought to protect the officers serving any and all processes of the court.

Mr. DE ARMOND. Mr. Chairman, I would like to ask the gentleman about these qualifying words; whether in his understanding of this section as it now stands, the words "know-

ingly and willfully" are carried down, or are inserted by indication, after the word "shall" and before "assault."

Mr. MOON of Pennsylvania. I will state to the gentleman that upon that question there might be some doubt. The addition of the words "willfully and knowingly" might be in the direction of clearness, and I certainly should not oppose that amendment. That is what the committee intended to make clear, and if it seem that those words would make it somewhat clearer they ought to be inserted.

The CHAIRMAN. The question is on agreeing to the amendment.

[Mr. KIMBALL addressed the committee. See Appendix.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. DE ARMOND. Division!

The CHAIRMAN. A division is demanded. The Chair will count all gentlemen standing.

Mr. GAINES of Tennessee. This is a reunited Democracy standing, Mr. Chairman. [Laughter].

The committee divided, and there were—ayes 50, yeas 73.

Mr. DE ARMOND. I should like to have tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. Moon of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 66, yeas 72.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I now move to insert the words "knowingly and willfully" between the words "shall," in line 4, and "assault," in line 5.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Line 5, page 70, before the word "assault," insert the words "knowingly and willfully."

The CHAIRMAN. Does the gentleman from Missouri desire recognition on his amendment?

Mr. DE ARMOND. No, Mr. Chairman.

Mr. MOON of Pennsylvania. Mr. Chairman, it seems to me that the words "knowingly and willfully" are unnecessary. A man could hardly commit an assault or beat or wound without doing it willfully and knowingly. I thought the gentleman wanted to put those words so that it would provide that he must know that it was an officer of the United States.

Mr. DE ARMOND. In the old section the words applied to that.

Mr. MOON of Pennsylvania. Here is an attempt to assault and beat, and it seems to me that it would be absolutely unnecessary to say that a man who committed an assault must commit it knowingly. He couldn't do it in any other way.

Mr. DE ARMOND. They were in the old law, and they were only in once, and the construction of the sentence—

Mr. MOON of Pennsylvania. I would not think that that could be transposed to give that construction.

Mr. DE ARMOND. Undoubtedly those words are carried down in the old law, and the assaulting, beating, and wounding must be done knowingly and willfully. The gentleman will notice that the words are coupled, and not in the alternative.

Mr. MOON of Pennsylvania. The very term "assault" does not include the idea that it is done knowingly. It could not be done without, and I shall oppose the insertion of the terms "willfully and knowingly" at that point. It seems to me, Mr. Chairman, it would be incongruous to say that a man should knowingly assault another when the very terms of assault implies that it is done knowingly.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I now offer the following amendment.

The Clerk read as follows:

On page 70, line 7, strike out the words "or other legal or judicial writ or process."

Mr. MOON of Pennsylvania. Mr. Chairman, I rise to a parliamentary inquiry. Was not that included in the first proposed amendment? Did not the Chair submit to the House the three amendments offered by the gentleman from Missouri, including the motion to strike that out? I raise that point of order.

The CHAIRMAN. The Chair has not read the amendment and can not say from memory.

Mr. DE ARMOND. That was a part of the first amendment, Mr. Chairman; and that being a part of the amendment, and this being an amendment to distinct statutes, they are two propositions.

Mr. MOON of Pennsylvania. I would say respecting that that they must necessarily be considered upon a distinct and separate basis. They refer to different parts of the section, but it would seem to me that this was considered as a separate amendment.

The CHAIRMAN. It was the privilege of any member of the committee to have demanded a division of the amendment and had a vote on each proposition. That was not done, and this proposition differs materially from the proposition which the House voted on. The Chair overrules the point of order, and the question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 47, yeas 63.

Mr. DE ARMOND. I demand tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. Moon of Pennsylvania and Mr. DE ARMOND.

The committee again divided, and the tellers reported that there were—ayes 52, yeas 72.

So the amendment was rejected.

Mr. MOON of Pennsylvania. Mr. Chairman, I desire to offer an amendment to correct a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 2, page 70, correct the spelling of the word "warrant."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HARDY. Mr. Chairman, if I can get the attention of the chairman of the committee, the gentleman from Pennsylvania [Mr. Moon], I wish to offer an amendment which I think will cover the idea he had in suggesting an agreement about the amendment of the gentleman from Missouri [Mr. DE ARMOND], and that is, in line 6, after the word "authorize," to amend by inserting the words "knowing him to be such officer or other person so duly authorized."

Mr. MOON of Pennsylvania. Mr. Chairman, that is the amendment that I supposed was originally offered by the gentleman from Missouri, and which makes clear what it was the intention of the committee to make clear. It may be possible, as I stated at that time, that the insertion of that language does make it clearer, that he shall know that the person assaulted is an officer of the United States, and as I indicated a willingness on the part of the committee to accept the amendment when made by the gentleman from Missouri, I still indicate that willingness now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting in line 6, after the word "authorize," the words "knowing him to be such officer or person so duly authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 142. [Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than \$1,000, or imprisoned not more than six months, or both.]

Mr. MOON of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lines 12 and 17, section 142, correct the spelling of the word "warrant."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 144. Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime; or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than \$500, and imprisoned not more than one year.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I merely want to compare this section with section 138, which I desire to correct by amendment I offered a short time ago, and to show that the committee have imposed a



severer penalty upon a slight offense than on a grave one. This section declares that—

Whoever by force shall set at liberty or rescue any person who before conviction stands committed for any capital crime or whoever by force shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than \$500 and imprisoned not more than one year.

I apprehend that punishment is sufficient. But if the members of the committee will recur to section 138, they will see that if a man without the assistance of anyone makes his escape or attempts to escape, he is liable to be fined \$1,000 and punished with imprisonment for seven years, whereas if anyone shall rescue him or set at liberty a man convicted of a capital offense or a felony, then that man shall be fined not to exceed \$500 and imprisoned not more than one year. The beauties and consistencies of this bill are more apparent as we proceed section by section; they become more symmetrical whenever you strike a new section proposed by the Commission or approved by the committee. I would ask any member of that committee—lawyers, men engaged in the solemn duty of enacting the criminal law—or any member of the Commission to show me why it is wise or humane to say that a man who escapes without force or escapes before conviction is more guilty and ought to receive a greater punishment than a man who rescues a convicted felon, a man who has been convicted. I would like to hear him give an explanation of that. Yet when efforts are made to relieve this bill of new sections which impose these great penalties and outrages and punishments of crime against men who are innocent in many cases, it is voted down by gentlemen who either do not understand the proposition or who will not listen to it. I have no amendment to offer with reference to this section. Doubtless the penalty is enough when you say that a man who by force sets at liberty a person who has been convicted of a capital crime or who has been convicted of a serious felony shall suffer a fine of not to exceed \$500 and imprisonment of not to exceed one year; but when you go back to the man who voluntarily escapes without force, who has not been convicted and may never be convicted, and announce as a punishment for that crime a fine of not more than \$1,000 or imprisonment of not more than seven years, I think it is going too far.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DENBY. I will ask a minute to answer the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia. I will answer any question the gentleman proposes.

Mr. DENBY. I do not desire to ask any question, but only wish to point out to the gentleman from Georgia in the case of section 144 imposing a penalty for the release by officers of person committed for a capital offense the punishment is imprisonment and fine—

Mr. BARTLETT of Georgia. I understand that.

Mr. DENBY. In the case of the other party it is imprisonment or fine. In this case it must be both fine and imprisonment.

Mr. BARTLETT of Georgia. It can never be longer than a year in section 144.

Mr. DENBY. It says he shall be fined not more than \$500, but he must be imprisoned, and it makes a great deal heavier punishment in many cases than the other section provides for.

Mr. BARTLETT of Georgia. I do not think the gentleman's explanation of the symmetry of this bill will be accepted. It needs further explanation. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 145. [Whoever, by force, shall rescue or attempt to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section 328 hereof, or by force shall rescue or attempt to rescue such body from the place where it has been deposited for dissection in pursuance of that section, shall be fined not more than \$100 or imprisoned not more than one year, or both.]

Mr. MACON. Mr. Chairman, I move to strike out the word "officers," in line 10, and insert the word "deputies."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the clerk will report.

The Clerk read as follows:

Page 71, line 10, strike out the word "officers" and insert in lieu thereof the word "deputies."

Mr. MACON. Mr. Chairman, my reason for offering the amendment is that I know of no existing law that permits anybody to be an officer of a marshal; therefore, when it is so expressed as it is here, "marshal or his officers," it strikes me it is con-

trary to existing law; but under the existing law he is authorized to have deputies, and I believe deputies will more perfectly fit this particular clause than the word "officers." That is all.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 146. Whoever shall, under a threat of informing, or as a consideration for not informing against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

Mr. HARRISON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "two" on page 71, line 21, and substituting the word "five;" and amend by striking out the word "one" on page 71, line 22, and substituting the word "five."

Mr. HARRISON. Mr. Chairman, it is not my purpose to detain the committee more than a few minutes. The amendment which I have offered, and which I hope the committee will adopt, aims at increasing the penalty for the crime of extortion. The crime of extortion as it originally appeared in the Revised Statutes applied only to extortion by internal-revenue informers. The Commission which revised the criminal laws has seen fit to enlarge the scope of this provision so, as it stands upon the bill they have offered to us, it provides for extortion by anybody under any United States laws. This is nothing more or less than blackmail, which, as we all will admit, is one of the basest, the most contemptible, and most objectionable of crimes. The penalties which the Revised Statutes provide for other similar crimes are much larger than the penalties here offered us. For instance, the penalty applied to perjury is \$2,000 fine and imprisonment for five years, and the penalty provided for forgery is \$5,000 fine and imprisonment for five years, and when we come now to the contemptible crime of extortion, or blackmail, we are offered a penalty of only \$2,000 fine or imprisonment for not more than one year.

I would ask the committee to adopt this amendment, raising the penalty to \$5,000 even and five years' imprisonment. [Applause on the Democratic side.]

Mr. MOON of Pennsylvania. What the gentleman from New York [Mr. HARRISON] says in regard to the broadening of this law by the Commission and the committee is true. Section 5484 refers to the person who shall receive any money or other valuable thing under a threat of informing or as a consideration for not informing against any violation of the internal-revenue law. The committee felt that that provision ought to extend to any person attempting a threat in order to receive money or informing against any violation of the law of the United States. It was broadened in that respect. The committee, however, after careful consideration, did not see any reason why the penalty should be broadened, why it was not as great an offense to commit this violation against the internal-revenue law as it was against any other law. In its deliberation and in its wisdom it saw no reason at that time for increasing the penalty. I see no reason now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. HARRISON].

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided, and there were—ayes 40, noes 74.

So the amendment was rejected.

The Clerk read as follows:

SEC. 147. [Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both.]

Mr. COX of Indiana. Mr. Chairman, I move to amend by inserting the word "willfully" after the word "States," line 1, page 72.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 72, line 1, after the words "United States," insert "willfully."

Mr. COX of Indiana. Mr. Chairman, it strikes me that the language of the section just read is, indeed, very broad and far-reaching. Before an individual can be convicted of any crime there ought to be some evil intent accompanying the crime committed by the party. In fact, as I understand the law, you can not have a crime unless it be accompanied

by an evil or a guilty intent. Now, the language of the statute is:

Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals the same or fails to make it known to the officer of a United States court, etc.

Mr. Chairman, I am able in my own mind to conceive of a state of facts where a person might be cognizant that a crime had been committed and at the same time have no intention to violate this section of the statute. It strikes me that the language set out in this section of the statute is broad enough to make a parent—a father or a mother—amenable to this section of the statute for failing to convey information to a United States court or some other authority that the crime of murder or some other crime had been committed. The presumption of law is that parents always give their children sound, logical, moral advice. Under this section of the statute I believe that it is broad enough to make a parent amenable to this statute if the parent would fail to notify the proper authorities that his own child had committed the crime of murder or some other crime against the laws of the United States.

Mr. RUSSELL of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Indiana [Mr. Cox] yield to the gentleman from Missouri [Mr. RUSSELL] for a question?

Mr. COX of Indiana. Yes, sir.

Mr. RUSSELL, of Missouri. I am in favor of the amendment that the gentleman offers. At the same time it seems to me that the suggestion he makes would not cure the objection made—that is, the fact that it might apply to a father or mother who might conceal the guilt of his or her child. Would the amendment that the gentleman offers change the law in that regard?

Mr. COX of Indiana. I believe it would, Mr. Chairman, for the reason that it would impose upon the Government seeking to convict anyone who had violated this section of the statute the additional burden of proving that it was a willful concealment on the part of the person, and that is one of the objects of the amendment. It is to impose the burden of proof that it was a willful concealing on the part of the person who is charged with concealing the offense. I believe the amendment ought to be adopted.

Mr. MOON of Pennsylvania. Mr. Chairman, a reading of this section will show that it is first necessary for the person who could be charged under it to have knowledge of the actual commission of the crime, and that it is the policy of the Government in existing law to place upon that man the burden of disclosing as soon as may be, or to make known to some one of the judges, the location of that person if he has escaped. And it would be obviously against the purpose of this law, therefore, to include the word "willfully" where the amendment seems to call for it to make it necessary that he should willfully conceal, where the policy of the law requires absolute disclosure on his part. Therefore I object.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. RICHARDSON. Mr. Chairman, I desire to call the attention of the chairman and members of the committee to these words included in this section, "conceals and does not as soon as may be disclose and make known."

We have, Mr. Chairman, in all the courts of this country, State and Federal, a plain definition and a substantial understanding of what a "reasonable time" is; but I do not know of any construction of any court that gives a full definition of what "as soon as may be" means. I move, Mr. Chairman, to strike out, on page 72, commencing with the beginning of line 2, the words "as soon as may be" and substituting therefor the words "within a reasonable time."

The Clerk read as follows:

Page 72, line 2, strike out the words "as soon as may be" and insert in lieu thereof "within a reasonable time."

Mr. RICHARDSON. Mr. Chairman, if I were to call upon the chairman of the committee now to define what would be the length of time that would be implied in the words "as soon as may be," he would find it quite difficult to define it, because it would depend upon a variety of acts of our life whether the man required would be prepared or not to fairly comply with the duty imposed under the construction given by some court of the meaning of "as soon as may be." But when you put it in the form of "a reasonable time" we know what that means. It seems to me that you are giving to a court a very great deal of discretion which it ought not to exercise under the use of the words "as soon as may be." Why, what does that mean?

It means in its ordinary acceptance that the information required must be given without delay. Ordinary business matter will not excuse delay. What definition does the committee give it? What explanation have they to give that make the words "as soon as may be" superior in meaning to "within a reasonable time?"

Why, I could stand here and imagine incident after incident when a court might say it was within your power to come in and give this information at once, when probably the court would not understand what were all the incidents and circumstances and conditions that environed you at that time or the man that was to be punished for not complying with the mandate. What demand of justice requires that such an exacting limitation shall be injected into our criminal statutes? No statute ought to impose unreasonable requirements to ensnare and punish even a thoughtless but innocent citizen. Since the time courts were organized the words I offer to substitute—"within a reasonable time"—have been understood by the courts and by the people. I would be glad if the chairman of the Revision Committee will point to me in this extensive revision of the Statutes of the United States that he has so laboriously and studiously framed any other place that the words "as soon as may be" have been inserted in the statute. A man may do a thing "within a reasonable time" and have the judgment of a fair court in his favor to that effect, while another judge might, and could, say, "You became possessed of this criminal knowledge on a given day and the statute requires you to communicate that knowledge to some judge or other official of the United States court 'as soon as may be.' You certainly could have come to such official during the day you acquired the knowledge. You did not, and hence you are guilty."

Mr. HOUSTON. I am of the opinion, Mr. Chairman, that the amendment offered by the gentleman from Alabama will materially alter the clause in a way that would not be wise. When you say that he shall disclose this knowledge "within a reasonable time" you may impose perhaps an impossible duty on the party. "As soon as may be" is a legal phrase, and carries with it not only a reasonable time, so far as time is concerned, but carries with it an opportunity to make the disclosure.

Mr. RICHARDSON. Will my distinguished friend from Tennessee give me a definition of what he means by "as soon as may be?" How would you limit it?

Mr. HOUSTON. It is difficult to do that; but it has an accepted meaning and is used in the law books. It strikes me that "as soon as may be" implies that the party shall disclose it in a reasonable time if the opportunity is presented.

Mr. RICHARDSON. The term "as soon as may be" is not so applicable in criminal proceedings as "within a reasonable time." This seems plain to me. If "as soon as may be" means a reasonable time, then I distinctly prefer the reasonable time. In statutes which impose penalties and punishment we should always be careful to use terms and words most easily and best understood.

Mr. HOUSTON. I think the words "as soon as may be" would be better, because they would not require an impossible performance. "As soon as may be" implies as soon as one reasonably can or is able to.

Mr. KIMBALL. I would like to ask the gentleman whether Bouvier, Anderson, or anybody else who has ever undertaken to give us an understanding of technical legal terms has ever defined or undertaken to say what the term "may be" means?

Mr. HOUSTON. Well, I can not just now refer the gentleman to the definition of the phrase, and I doubt if he will find it; but I think it has a meaning that is clear and patent and would be plainly understood in this statute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RICHARDSON. Division!

The committee divided, and there were—ayes 37, noes 52.

So the amendment was rejected.

The Clerk read as follows:

SEC. 162. [Whoever, within the United States, or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving any plate, stone, or other thing, in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, making, executing, or selling, any engraving, photo-



graph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States, or any place subject to the jurisdiction thereof, any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. COCKRAN. Mr. Chairman, for the purpose of bringing before the committee what appears to be a change in existing law of some importance, I move to strike out the words "or other thing," on page 82, line 13.

I should like to learn from the chairman of the committee the object of inserting a provision of such sweeping significance, whether occasion for it has arisen in the ordinary administration of government? I suggest that under this language a person having in his possession printer's ink of the same quality or character as had been used in the perpetration of such forgeries as are here described might be liable to prosecution. At least such is the impression it makes on a first reading. I should like to know from the chairman of the committee if he had fully weighed the significance of this language before the committee decided to employ it.

Mr. MOON of Pennsylvania. I will say to the gentleman from New York that the committee did give that very careful consideration. They were informed by the Department that new processes were constantly being employed by the counterfeiters in counterfeiting the securities of the United States; that in the ingenuity, skill, and scientific knowledge of the men engaged in defrauding the Government they sometimes outran the ingenuity of the lawmakers who were engaged in its protection. Therefore we included the words "or other things" to cover any other device that might be used for that purpose.

I think the gentleman will see that printer's ink could not be held to be included in the words "or other things," because these words refer to plates, stones, or other things from which have been printed or may be printed any counterfeit notes, etc. The gentleman is aware of the law of legal construction by which such words as "or other things" would be construed to mean things of the character of those that have been enumerated in the section—similar things. The committee gave the matter careful consideration and felt that this language was necessary for the full protection of the Government.

Mr. COCKRAN. The gentleman from Pennsylvania having stated that the committee has given this matter careful consideration, I withdraw the amendment.

The CHAIRMAN. The amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 202. Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than \$100, or imprisoned not more than six months, or both.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. While we have penalties provided against sending through the mail a certain character of literature, I desire to send to the Clerk's desk and have read from an afternoon paper of this city an article about a Member of this House, and I desire to ask whether or not there ought not to be some penalty for the dissemination of such literature through the United States mail.

The CHAIRMAN. Without objection, the communication will be read.

There was no objection.

The Clerk read as follows:

"IRON MAN" GAINES DANCES ALL NIGHT—IS AT WORK EARLY.

In the make-up of JOHN WESLEY GAINES of Tennessee, long-distance talker of the House of Representatives, there is no such thing as laziness.

He sends the sluggard to the ant and denounces by his conduct the ways of the sloth. He proved all this to-day.

Last night Mr. GAINES was at the Southern Relief ball. Amid the strains of violins that sobbed of romance and hearts and love, he spoke glittering generalities and dazzling compliments to the fair womanhood of the South. His damask hair, unprofaned by a hint of brown or black, moved with the gentleness of a benediction among the dancers, and when he bowed, its soft masses touched like a new poem on snow the lily hand of some radiant belle. He arrived early and stayed late. Cupid had the Mars of legislative debate in subjection and led him from beauty to beauty for many hours. GAINES did not go to bed until this morning.

But he scorned a long and resting slumber. He was no wearied macaroni, no exhausted dandy who needs must sleep away the day.

At 7 o'clock he was eating his breakfast. At 9 o'clock he adorned a Government Department by going there on some errand that required the ornateness of his presence with a bureau chief. At 9.30 he was in his office on Capitol Hill, touching with tender skill some minor matters of State before the House should convene.

Therefore it is established that he is not a lazy man. He can dance all night and work all day. O, woman! where is thy victory? O, Cupid! where is thy sting?

[Great laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. SIMS. What was the ruling of the Chair as to the article being nonmailable?

The CHAIRMAN. The Chair was not requested to rule upon that, but the gentleman from Kentucky asked that the question should be submitted to the committee. [Laughter.]

The Clerk read as follows:

SEC. 212. Every obscene, lewd, or lascivious book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use, and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose, and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed, and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance, and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose, and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$500, or imprisoned not more than five years, or both.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Section 212, line 18, strike out the word "or," before the word "lascivious," and after the word "lascivious" add the words "vile, filthy, or indecent."

Mr. HOUSTON. Mr. Chairman, the object of this amendment is to cure a defect that I think exists in the present law. Under the decision of the Supreme Court it has been held that these terms "obscene, lewd, or lascivious" refer only to sexual impurities or matters pertaining thereto. Now, there are a great many vile, filthy, and indecent articles not relating to that subject that are transmitted through the mails. We, the committee, have had these things before us, and we have had the information from the Department as to the character of many things not inhibited by existing law. Many of them are not covered by these words, but they ought to be prohibited and they will be by this amendment.

Mr. PAYNE. I would like to call the attention of the gentleman to the words in lines 19 and 20, "or other publication of an indecent character." Would not that cover the same thing that the gentleman's amendment seeks to cover?

Mr. HOUSTON. We discussed that matter, and it was thought that these words would go far enough, but I did not think so, nor did the Department think so. They wanted the language to be broader. As I remember it, the amendment I have offered is in keeping with the report of the Commission.

Mr. PAYNE. The language of the gentleman's amendment, I think, is entirely in keeping with the language in line 20. I doubt if it enlarges it any, but it is in the same direction.

Mr. HOUSTON. I think it is necessary under the holding of our court. This provision should be specific, and these words will make the language of the section plain and specific.

Mr. PAYNE. I did not rise with the idea of making any objection, but only to suggest that it was covered by language already in the bill. I have no objection to the amendment.

Mr. MOON of Pennsylvania. I will say on behalf of the committee, Mr. Chairman, that we gave this section very careful consideration. We spent a long time endeavoring to cover this entire ground. We had communications from the Post-Office Department, and we had persons before us, and after a careful and exhaustive examination we felt that the language in this section did cover the ground effectually. On behalf of the committee I can not accede to this amendment. I think what the gentleman from New York says is true, that existing language covers that particular point.

Mr. ALEXANDER of New York. But there can be no objection to the amendment?

Mr. MOON of Pennsylvania. The gentleman means that there is no objection that matters of this kind ought to be excluded.

Mr. ALEXANDER of New York. I ask if there is any objection to inserting the amendment offered by the gentleman from Tennessee.

Mr. MOON of Pennsylvania. Except that it is sufficiently covered in the section as it now stands.

Mr. ALEXANDER of New York. The gentleman from Tennessee [Mr. HOUSTON] thinks it may not be, and there can not be any objection to having it sufficiently covered.

Mr. MOON of Pennsylvania. I would say to the gentleman that the committee spent a great deal of time upon the word, considering the advisability of adding the word "indecent" in this section. This word has such a broad signification and means such different things to different people—that is, so many persons consider some things indecent that others do not—that we deemed it wise to let the section stand as it is. The gentleman knows that a great deal of agitation has been going on throughout the country as to the signification of this word as applied to literature, and some books have been excluded, from some libraries on the action of a committee because they deemed those books indecent, when, as a matter of fact, they were the current literature of the day. I recall particularly that the books of Mark Twain were excluded from a library in the East upon the ground that they were indecent, when, as a matter of fact, they are introduced freely and are welcomed in almost every household in the country. We, at the time that we were considering this section in committee, concluded that the introduction of the word here would open such a broad field for construction on the part of judges and of the post-office authorities in the application of criminal statute that it was unwise to use it in the connection suggested by the gentleman from Tennessee. If the gentleman from New York [Mr. ALEXANDER] asks whether there could be any objection to excluding from the mails all kinds of obscene literature, of course there can be none, and this committee will offer no objection to any amendment that will make that more clear, but they do not think the method proposed by the amendment will accomplish the purpose.

Mr. SHERLEY. Mr. Chairman, in further answer to the gentleman from New York [Mr. ALEXANDER] I think there are very serious objections to the amendment offered by the gentleman from Tennessee [Mr. HOUSTON]. Unfortunately in legislation the thing desired by a man is frequently very foreign from what is accomplished by the particular language used. Now, all of us are in hearty accord with the desire of the gentleman from Tennessee [Mr. HOUSTON] to protect the mails and the people from indecent and impure literature, but some of us who have taken the trouble to look into the history of this section and the matters that have been litigated in the courts know that there is a very great danger by the use of such words as are suggested by the gentleman's amendment of giving to the Post-Office Department a censorship of the press. In furtherance of what the gentleman from Pennsylvania [Mr. MOON] said, I remember that Mark Twain's book of *Eve's Diary*, as I recall the title—I think that is the title of the book—was excluded from the Boston Library because the trustees of that institution considered it an indecent book. Now, that is simply an illustration of what will be possible under this statute if amended as suggested. The word "indecent" put in front of the word book would be open to such construction as would practically enable the Department to exercise a censorship over the press, and while I think that perhaps we should take some steps looking to a better exclusion of improper literature from the mails, we ought to be exceedingly careful that we do not use language that simply enables the Department or some person in the Department to exclude books that may not appeal to him or her.

Mr. ALEXANDER of New York. I desire to ask this question: Does the Department approve of the amendment of the gentleman from Tennessee [Mr. HOUSTON]?

Mr. SHERLEY. I do not recall that the Department offered these words as an enlargement of the statute. It is true that Mr. Comstock appeared before our committee. He has been actively engaged in prosecuting violations of existing law, and has done very valuable work, but Mr. Comstock, like a great many gentlemen engaged in a special line, is apt to become just a bit extreme, and his view, if it had been adopted by the committee, would have given to the Department powers that could and would have led to great abuses. The committee has tried to make this section properly fulfill its mission without so enlarging it as to give to that Department the power to exclude a great many publications that the majority of men do not consider immoral or indecent.

Mr. ALEXANDER of New York. I would like to say to the gentleman from Kentucky [Mr. SHERLEY] that this matter has been up once, possibly twice, before the Judiciary Committee. I should not want to see the Department's power of censorship extended, but I did think, as I heard the words read from the amendment of the gentleman from Tennessee, that this touched a phase of the question that had not been presented to us in

the Judiciary Committee, and that possibly it might be a good thing to have it inserted; but if the gentlemen have studied it already, why that is a very different matter.

Mr. LITTLEFIELD. I would like to make an inquiry of the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I yield to the gentleman from Maine.

Mr. LITTLEFIELD. What phase of this legislation has been pending before the Judiciary Committee in any other than the fraud-order law?

Mr. ALEXANDER of New York. It came up in the discussion growing out of the Crumpacker bill.

Mr. LITTLEFIELD. Yes; the fraud-order law.

Mr. ALEXANDER of New York. Yes.

Mr. LITTLEFIELD. It did not involve these specific propositions. My recollection agrees with that of the gentleman.

Mr. ALEXANDER of New York. Yes.

Mr. SHERLEY. In further answer to the suggestion of the gentleman from New York [Mr. ALEXANDER] I desire to say the committee did consider this section at great length, not only for one day, but for several days, and the final judgment of the committee was against the insertion of these words, though it was understood at that time that the gentleman from Tennessee would bring the matter to the attention of the Committee of the Whole House.

Mr. PAYNE. Would it interrupt the gentleman if I should ask to have the Clerk read the first four lines as the paragraph would be amended by the gentleman from Tennessee?

The CHAIRMAN. Without objection, the Clerk will report the amendment as requested.

The Clerk read as follows:

Every obscene, lewd, vile, filthy, or indecent book—

Mr. PAYNE. I want to say, if the gentleman will allow me, comparing the two, I think the language of the committee is better than that of the gentleman from Tennessee. I do not think he enlarges it.

Mr. HOUSTON. I want to call the attention of the gentleman from New York to the fact that the Clerk did not report the amendment correctly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Every obscene, lewd, lascivious, vile, filthy, or indecent book, pamphlet, picture, paper, letter, etc.

Mr. SHERLEY. It is proper to say to the Committee of the Whole that the courts in construing the words "obscene, lewd, or lascivious," have narrowed those words within a very small compass. There is no doubt the amendment offered by the gentleman from Tennessee will considerably enlarge the statute, and my opposition to it is because it will enlarge the statute, not that I am opposed in the slightest to preventing the going through the mails of books which are really immoral, but I am not willing to have language capable of the construction that those words are, particularly the word "indecent," to go into the statutes, and thereby give the Postmaster-General and those under him the power to exercise what I believe to be a censorship over the press.

Mr. LITTLEFIELD. May I ask the gentleman from Kentucky, is it not a fact your section already contains language that in order to be consecutive and intelligible should have those words put in the preceding part of your section? You say in line 22 here, "or for any indecent or immoral use." Now, that is the first time in your section that the word "indecent" occurs.

Mr. SHERLEY. But, if the gentleman will notice, the word "indecent" here is qualified by the word "use," so that it becomes very narrow. When you speak of an indecent book there are as many opinions as people discussing the matter, and there have been hundreds of books published within the last year or two that you could find a dozen opinions about as to whether they were or were not indecent books. That does not apply to "indecent use." There the word "indecent" is limited, but here, if placed in front of the word "book," it becomes very broad.

Mr. LITTLEFIELD. That same criticism to a certain extent is applicable to "obscene, lewd, and lascivious."

Mr. SHERLEY. The courts have construed those words so as to apply only to a certain line—

Mr. LITTLEFIELD. And we simply take chances under this legislation of getting the same kind of conservative construction



on the part of the courts of the language suggested. Of course, it is broader; I agree that it is broader.

Mr. SHERLEY. Inasmuch as you are broadening the statute, if the courts shall undertake, in execution of the will of Congress itself, to construe what the words meant, it would be that it was intended to give greater power, a much greater power.

Mr. LITTLEFIELD. I do not think the language of the section would be open to that construction.

Mr. GAINES of West Virginia. Does the gentleman think that this section embraces two propositions which ought to be separated? The first part of the section down to line 21, on page 110, provides that certain classes of publications shall be unavailable; that is to say, shall be excluded by the Department from the mails. Now, I think we all agree that that ought not to be enlarged. I think there is a pretty general feeling in this House that the power of the Post-Office Department to control literature and to control the business of citizens of the country ought to be curtailed rather than enlarged. Then comes the second part of this section, from line 21 on page 110, which provides for punishment for anyone who mails matter of that sort. I should be very glad if the proposition were brought in here, not enlarging the power of the Post-Office Department, but enlarging the power of the courts to punish upon indictment and prosecution. I should be very glad to vote for that sort of a proposition, and I do not think that in Committee of the Whole we ought to undertake to amend this sort of a proposition in the manner suggested.

Mr. SHERLEY. If the gentleman will permit, there is another amendment that will come up for consideration later on, looking to the elimination of certain words that require an element of proof hard to supply—that is, the words “for the purpose of circulating,” etc.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of West Virginia. Mr. Chairman, I ask that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. The requirement that a man shall only be convicted upon proof that he has taken prohibited mail matter or caused it to be taken from the mails for the purpose of circulating or disposing of it will be eliminated if this subsequent amendment is adopted, and I, for my part, am in favor of the elimination of it. There has been a failure of justice due to the inability of the Department to show that the matter was taken from the mails for this purpose. But that is an entirely different matter, as suggested by the gentleman, from the enlargement of the language as to what books may be excluded from the mails.

Mr. GAINES of West Virginia. I think that we are all in practical accord with the gentleman from Tennessee [Mr. Housron] in believing that persons who mail such matter shall be punished in the courts, but that we do not want to do anything now which would enlarge the discretion of the Post-Office Department in this connection.

Mr. SHERLEY. The gentleman will understand that it would be absolutely wrong to say that a man should be punished for mailing something that we permitted to go through the mail.

Mr. GAINES of Tennessee. Has he not a right to appeal to the courts?

Mr. GAINES of West Virginia. I think a man may very well be punished when no authority, without a trial to exclude, should be lodged in a Department. It is not a question of what the man is permitted to do that I am dealing with. It is a question of what authority the officers of the Post-Office Department should have over the right of a citizen to use the mails. Let him be free to use the mails, perhaps more free than he is now, subject to responsibility if he abuses the privilege.

Mr. SHERLEY. I see the gentleman's point, and what he is fearful of is what I also fear, the power of the Department, but I suggest also that it is not proper that we should ever punish a man for mailing something that we permit to be mailed. In other words, the crime consists in sending through the mail something that ought not to go through. Now, if you are going to punish him for doing it, you ought not to permit the doing of it, because prevention is better than punishment. The trouble with the amendment of the gentleman from Tennessee [Mr. Housron] is that it applies to the word “book.” The adjective “indecent” is subject to such construction that no man can know how far the law would go. For that reason I am opposed to this amendment.

Mr. GAINES of West Virginia. I have no objection to declaring that matter of that sort shall not be mailable. I agree

with the gentleman from Kentucky [Mr. SHERLEY] that a man should not be punished for doing that which we permit to be done; certainly we could not punish him for doing a thing which we make it lawful to do; but I deny that the officials of the Post-Office Department should have the right to exercise a censorship of these matters in the first instance. The question of whether a man is responsible is one thing, and the right of an executive officer to pass upon what he may do is another.

Mr. SHERLEY. That is true; but unless the Department has power to exclude from the mail, how are you going to exclude them from the mail?

Mr. GAINES of West Virginia. Just as a man is free to assault somebody.

Mr. GAINES of Tennessee. I want to ask the gentleman from Kentucky [Mr. SHERLEY] if the person aggrieved under this section has the right to appeal to the courts?

Mr. SHERLEY. So far as the section is concerned—

Mr. GAINES of Tennessee. Can you appeal from the decision of the Department?

Mr. SHERLEY. If you enlarge the language here, it gives the Department power to exclude books they consider as indecent from the mail.

Mr. GAINES of Tennessee. Have we not passed some law here recently that gives the right to appeal to the courts?

Mr. SHERLEY. As I understand it, we passed through the House a bill that gave the power to the court to review the action of the Department, but that has not become a law.

Mr. LITTLEFIELD. May I ask the gentleman from Kentucky [Mr. SHERLEY], who represents the committee, whether or not, in his opinion, if the Postmaster-General wrongfully exercised his discretion and undertook to exclude matter that was mailable under the provisions of law, would or would there not be a remedy by undertaking to use the mail, by mandamus?

Mr. SHERLEY. I am inclined to think, as the law exists now, there would not, because the courts have held that such action exercised under the discretion vested in the Department was not reviewable by the court.

I certainly think there always ought to be a remedy for the citizen when the Department rules against his right to use the mails.

Mr. LITTLEFIELD. Then your impression of the authorities is that as the matter stands the court would not maintain a petition of mandamus for wrongful exercise of discretion on the part of the Department.

Mr. SHERLEY. I recall to the gentleman the status of the law, as he will remember, as it relates to the exclusion of an individual from the use of the mails. You remember we had that matter up last Congress.

Mr. LITTLEFIELD. The fraud-order proposition?

Mr. SHERLEY. Yes, the fraud-order proposition. There the courts have held the action of the Department in determining what was not admissible was not reviewable by the courts, so that a man has no relief.

Mr. MANN. The gentleman will state in all fairness, as I know he would, that the Post-Office Department has stated that their orders are reviewable by the courts, and that the courts have not held that they were not subject to review, as I understand it.

Mr. LITTLEFIELD. By way of mandamus or other process.

Mr. SHERLEY. I do not mean to state the position of the Department, but my understanding of the law is that the court has no review in the full sense of the word. In other words, they can not review the facts and determine whether the Department has properly exercised the powers given to it.

Mr. MANN. Well, on the other hand, the Department says that there is no question about the power of anyone who thinks he is wronged by a ruling of the Department to go into court and upon presentation of the facts have an order issued overruling the order of the Department and requiring the admission to the mails of that which has been ruled out. That is the position of the Department.

Mr. FITZGERALD. The fact is, regardless of the view of the Department, efforts have been made to get the action of the Department reviewed, and the courts have refused action because the court had no power.

Mr. MANN. The gentleman may be familiar with such cases, but I am not.

Mr. FITZGERALD. In the fraud-order case; and this House passed a bill conferring that power specifically on the courts, but it failed to pass.

Mr. MANN. Stating it more accurately than the gentleman, the House passed a bill for the purpose of conferring that power upon the courts, but this House has no power to pass a bill that confers power upon the court without the

other coordinate branch of Congress, and it did not confer the power, and it is not the law. And if this proposition comes before this House again I hope I may have the opportunity to present to the House reasons and examples which I think ought to condemn any such proposition.

If the gentleman will take occasion to investigate the fraud orders issued by the Post-Office Department, and the reasons for those fraud orders, he would know that the Post-Office Department through these orders have shut out, from the use of the mails some scheming rascals, some of whom live in my town, some of whom live in the town of the gentleman from New York, and some in the State of the gentleman behind me, who are ready to go into another part of the country, always changing from one name to another, and from one scheme to another. You can not harrass them in the criminal court at all. That would not shut them out from entering into other schemes. The only way to reach these scoundrels is to deprive them of the use of the mails.

The Post-Office Department has become familiar with some of the men of that class who change overnight their names and their locations, and knows how to meet them. I believe that people throughout the country are entitled to protection from that kind of men. I believe that the honest people are entitled to protection from fraudulent schemes of these men who live by their wits and not by work. I would not restrict the power that exists there now in the slightest degree. I believe, and as I am informed I have the right to believe, that anyone has the privilege of going into court and present his case; and if he can obtain competent evidence he can get justice. The trouble as to the matter of there being no adjudication is, while these men who have been shut out by the Post-Office insist to Congress that they have no remedy in court, they can to-day go into court and ask a remedy upon the facts. They have no desire to have the facts presented to the court.

Mr. HAYES. I desire to ask the gentleman if he does not know that the Post-Office Department will exclude matter from the mails without giving the parties who send it even notice that it is to be excluded.

Mr. MANN. Mr. Chairman, on the contrary, it is the universal practice of the Post-Office Department, unless they have already shut out a class of people whom they know professionally, whom they know change from one place to another—and in that case they do not always wait to give them notice—it is the universal practice of the Post-Office Department not only to give notice, but to give a hearing, before they shut a man out from the use of the mails; and I dare say that no honest man has ever been deprived of the use of the mail without a hearing.

Mr. HOUSTON. Mr. Chairman, this discussion has taken rather a broad range. In regard to the power to be vested in the Post-Office Department, that is not especially pertinent to this discussion. This is simply the enactment of a penal statute making certain things unlawful, describing certain offenses against the penal laws of the United States. This does not involve the question that the Post-Office Department might exercise an oppressive power, or a discussion of the extent to which that power might be oppressive. The authority and the power is already involved just as much as it can be by the addition of the words that I have offered by way of amendment. It is already unlawful to publish any obscene, lewd, or lascivious books. You talk about the Post-Office Department having authority and power to suppress publications of certain kinds and character. There are a great many publications that ought to be suppressed to the extent of being forbidden to be transmitted through the United States mails, such as all those matters that relate to sexual impurities and others that would be included by this amendment. Perhaps some of the books referred to by the gentleman ought not to be transmitted through the mails. I do not recall the ones that come within that category.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HOUSTON. In a moment; but I say that the power is here given to pass upon a book and to determine whether or not it is lawful to pass it through the mail. That power exists now as to those things forbidden and made penal by this statute—that is, those things relating to sexual impurities. But if it does not relate to sexual impurity, but to some vile, indecent, hideous, shocking kind of immorality or indecency of a different kind, then it is not forbidden, then it is not prohibited from passing through the mails; and I want to say that these words that I have offered by way of amendment do enlarge that statute so as to embrace these other vile things.

In response to the gentleman from New York, who asked if the words in line 20 did not already give this same power, I want to say that these words "or other publication of an indecent character," according to the holdings of the court in

cases of that kind relate to similar matters, things of a similar character, and have been held to relate to matters concerning sexual impurities. Now, these other things ought to be prohibited just the same. I want to call attention to the language of the penal code of New York in forbidding the sale of certain articles along this line.

The articles that are forbidden to be sold are:

Any obscene, lewd, lascivious, filthy, indecent, or disgusting book.

That is broader than this Federal statute a good deal. It is none too broad. I think this law ought to be broadened. I think it is necessary to broaden it if you would prevent other vile and indecent things going through the mails except the particular class that the courts now hold to be excluded and that I have alluded to.

Mr. PARSONS. I wish to suggest to the gentleman from Tennessee, my colleague on the committee, that there has been a recent decision by the court of appeals of New York which holds that the words of the section that he has just read apply only in a case where sexual impurity is suggested, and that those words are confined to about the same meaning that they are here confined to.

Mr. HOUSTON. Do you mean the words contained in my amendment?

Mr. PARSONS. The words you just read from the New York Code.

Mr. LITTLEFIELD. It makes those words substantially synonymous with "obscene and lascivious."

Mr. PARSONS. It make them substantially synonymous; yes.

Mr. LITTLEFIELD. If that were the correct construction, this would not enlarge the act at all.

Mr. PARSONS. I also wish to suggest to the gentleman from Tennessee that his words do not enlarge the act; that a Federal court has decided that the word "obscene" in this section includes what is indecent or filthy.

I will refer him to the United States against Smith, 45 Federal Reporter, page 477.

Mr. LITTLEFIELD. Then the act is subject to all the adverse criticisms made by the committee?

Mr. SHERLEY. Mr. Chairman, I do not agree to that proposition at all.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SHERLEY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, in answer to the question by the gentleman from New York and the gentleman from Maine, I desire to say that if the words do not enlarge the statute they are useless; if they do, I think you are going beyond where we can safely go. All of us are agreed that we want to exclude from the mail an indecent book; but you can not get any agreement among us as to what is an indecent book. Some might think that Fielding's Tom Jones ought not to go through the mails, while the rest might think it was one of the classics in the English language and should go through. There is the danger of using the word "indecent" as applied to a book.

Mr. HOUSTON. I think that all that criticism applies to the statute as it now stands and as fully as it could with the amendment when it would be the same subject added to the one.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and on a division there were—ayes 41, noes 21.

Mr. STAFFORD. No quorum, Mr. Chairman.

Mr. GAINES of Tennessee. Mr. Chairman, is that announcement of no quorum in a proper form?

The CHAIRMAN. The Chair thinks that that is the form. The point that no quorum has voted can not be made under the rules of the House, but the proper way is to make the point that no quorum is present.

Mr. BRODHEAD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BRODHEAD. I rise to offer an amendment.

The CHAIRMAN. The gentleman can not offer an amendment now. The Chair is undertaking to ascertain if a quorum is present.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, I would like to make a motion for tellers.



Mr. LITTLEFIELD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLEFIELD. I want to understand how the record stands. Does the record show that the amendment was adopted and the committee has risen?

The CHAIRMAN. The House was dividing.

Mr. LITTLEFIELD. Did not the Chair declare the result?

The CHAIRMAN. The Chair had declared the result when the point was made that no quorum was present, and that vacates the vote. The committee is now dividing, and the gentleman from Pennsylvania has moved that the committee do now rise.

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Would it be too late to ask for a division on the assembling of the committee when the committee next meets?

The CHAIRMAN. The division will be taken immediately, and on that tellers may be demanded. When the committee next meets it will take up the division.

The motion of Mr. Moon of Pennsylvania was then agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11701, the codification of the criminal laws, and had come to no resolution thereon.

#### BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13102) to authorize the County of Elmore, Ala., to construct a bridge across the Coosa River, Alabama.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the county of Elmore, Ala., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at or near Wetumpka, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HEFLIN, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 251. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907.

H. R. 4891. An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River.

H. R. 10519. An act to authorize the Nashville and North-eastern Railroad Company to construct a bridge across the Cumberland River at or near Celina, Tenn.

#### COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND GERMANY.

The SPEAKER laid before the House a message from the President of the United States, which, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed.

[For message, see Senate proceedings of this day.]

#### ADJOURNMENT.

Then, on motion of Mr. Moon of Pennsylvania (at 5 o'clock and 2 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the chairman of the Sheridan Statue Commission, proposing an appropriation for the statue of Gen. Philip H. Sheridan—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of State, recommending legislation enabling the CONGRESSIONAL RECORD to be sent to the

French Chamber of Deputies—to the Committee on Printing and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a statement of expenditures of the contingent fund of the Department and general expenses of the Bureaus of Standards and Fisheries—to the Committee on Expenditures in the Department of Commerce and Labor.

A letter from the Secretary of the Navy, transmitting a statement of contingent expenditures of the Navy Department for the fiscal year ended June 30, 1907—to the Committee on Expenditures in the Navy Department and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lewid F. Martin, administrator of estate of Francis C. Martin, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Anastacio de Baca, administrator of estate of Francisco de Baca, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Smithsonian Institution, giving notification of a vacancy in the Board of Regents—to the Committee on the Library and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bills of the House H. R. 469 and H. R. 10461, reported in lieu thereof a bill (H. R. 14779) to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district, accompanied by a report (No. 322), which said bill and report were referred to the House Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 14638) to enable the city of Tucson, Ariz., to issue bonds for the extension and repair of its water and sewer system, and for other purposes, reported the same without amendment, accompanied by a report (No. 324), which said bill and report were referred to the House Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 104) to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes," reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 3776) granting a pension to C. F. Schantz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6047) granting a pension to Fred Wedegartner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6052) granting an increase of pension to Daniel Smith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14090) granting an increase of pension to Ruth E. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14101) granting a pension to Charles C. Howington—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14119) for the relief of Jephtha B. Harrington—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14122) for the relief of Thomas J. Benton—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 14154) for the relief of Enoch Voyles—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 14212) to remove the charge of desertion against William R. Capwell—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 14229) granting a pension to Lina V. Dietz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14323) granting a pension to Harry Lucas—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12964) granting a pension to Margaret Eleanor McCoy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14646) granting additional compensation to surviving Union soldiers and marines who were prisoners of war during the civil war—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 14766) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for prior years, and for other purposes—to the Union Calendar.

By Mr. MACON: A bill (H. R. 14767) to provide for a survey of the line between the States of Arkansas and Missouri, beginning at a point where the St. Francis River crosses said line and extending west to the thirty-fifth milepost, for the purpose of reestablishing said State line between said points—to the Committee on the Judiciary.

By Mr. CLARK of Florida: A bill (H. R. 14768) providing for an eight-hour workday in the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 14769) to extend Ontario place NW., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14770) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14771) to extend Hamlin and Sixth streets NE., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14772) prescribing what shall constitute a legal cord of wood in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 14773) providing for the jurisdiction of offenses against the property of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 14774) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and for other purposes—to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 14775) providing for the opening of a minor street through square No. 801, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14776) providing for the opening of a minor street through square No. 878, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14777) providing for the opening of a minor street through square No. 1020, in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 14778) to provide for the erection of a public building at Agricultural College, Mich., and the establishment of a Weather Bureau station therein—to the Committee on Public Buildings and Grounds.

By Mr. STERLING, from the Committee on the Judiciary: A bill (H. R. 14779) to transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida, at the city of Gainesville, in said district—to the House Calendar.

By Mr. KAHN: A bill (H. R. 14780) to provide for the rapid defense of Pacific coast ports—to the Committee on Naval Affairs.

By Mr. HALE: A bill (H. R. 14781) to authorize Campbell County, Tenn., to construct a bridge across Powells River—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 14782) authorizing

an examination and survey of Green River and Grand River, in the State of Utah, and making an appropriation for the improvement of the same—to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 14783) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903—to the Committee on Militia.

By Mr. HUMPHREY of Washington: A bill (H. R. 14784) authorizing and directing the Secretary of the Navy to construct and equip subsurface or submarine torpedo boats to be stationed in the waters of Puget Sound, State of Washington, and for other purposes—to the Committee on Naval Affairs.

Also, a bill (H. R. 14785) authorizing and directing the Secretary of the Navy to construct and equip subsurface or submarine torpedo boats to be stationed in the waters of Puget Sound, State of Washington, and for other purposes—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 14786) amending an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Texas: A bill (H. R. 14787) to appropriate the sum of \$10,000 for equipping and maintaining a Weather Bureau observatory at Houston, Tex.—to the Committee on Agriculture.

By Mr. MORSE: A bill (H. R. 14788) for the relief of certain settlers upon the Wisconsin Central Railroad and the Chicago, St. Paul, Minneapolis and Omaha Railway land grants—to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902—to the Committee on the Territories.

By Mr. BELL of Georgia: A bill (H. R. 14790) to establish an assay office at Gainesville, Hall County, Ga.—to the Committee on Coinage, Weights, and Measures.

By Mr. GODWIN: Joint resolution (H. J. Res. 109) for an examination and survey of an inland waterway from Beaufort Inlet, North Carolina, to the Northeast Branch of the Cape Fear River, and thence to Wilmington, N. C.—to the Committee on Rivers and Harbors.

By Mr. ACHESON: Concurrent resolution (H. C. Res. 20) providing for the printing of 10,000 copies of report of engineers on proposed improvement of Ohio River—to the Committee on Rivers and Harbors.

By Mr. BEDE: Resolution (H. Res. 181) authorizing the appointment of Enoch Stahler as messenger in the House of Representatives—to the Committee on Accounts.

By Mr. WEEKS: Resolution (H. Res. 182) providing for payment of a session clerk to the Committee on Expenditures in the State Department—to the Committee on Accounts.

By Mr. O'CONNELL: Resolution (H. Res. 183) requesting certain information from the Secretary of War—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Resolution (H. Res. 184) providing for the payment of a session clerk to the Committee on Expenditures in the Department of Agriculture—to the Committee on Accounts.

By Mr. WANGER: Resolution (H. Res. 185) providing for the payment of a session clerk to the Committee on Expenditures in the Post-Office Department—to the Committee on Accounts.

By Mr. MUDD: Resolution (H. Res. 186) providing for payment of a session clerk to the Committee on Expenditures in the Department of Justice—to the Committee on Accounts.

By Mr. AIKEN: Resolution (H. Res. 187) requesting certain information from the Secretary of State—to the Committee on Foreign Affairs.

By Mr. SAUNDERS: Resolution (H. Res. 188) providing for an inquiry into the methods of certain telegraph, postal cable companies, etc.—to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 14791) granting an increase of pension to Henry Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14792) granting an increase of pension to Lucas B. Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14793) granting an increase of pension to J. F. Caldwell—to the Committee on Invalid Pensions.



Also, a bill (H. R. 14794) granting an increase of pension to Lydia E. Seley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14795) granting a pension to George Collins—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 14796) granting a pension to John Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14797) granting a pension to Louisa Jane Houk—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 14798) granting an increase of pension to Peter C. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14799) granting an increase of pension to Joseph Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14800) granting an increase of pension to Mrs. A. J. Maddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14801) granting an increase of pension to Wilbur S. Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14802) to correct the military record of Charles W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 14803) to amend the military record of James C. Howard—to the Committee on Military Affairs.

Also, a bill (H. R. 14804) for the relief of John A. Raser—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 14805) granting a pension to Anon H. Bradley—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 14806) granting an increase of pension to Nathaniel E. Murphy—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 14807) granting an increase of pension to Cornelius D. McCombs—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 14808) granting an increase of pension to Joseph B. Lyons—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 14809) granting an increase of pension to Thurlow W. Seward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14810) granting an increase of pension to Chauncey R. Lathrop—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 14811) granting an increase of pension to Andrew W. Lyman—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 14812) granting an increase of pension to John H. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14813) granting an increase of pension to Jasper L. Dodge—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 14814) granting an increase of pension to Eli Baldwin—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14815) granting an increase of pension to Albert G. Beeson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14816) granting an increase of pension to Daniel Swigart—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14817) granting an increase of pension to Susanna F. Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14818) granting an increase of pension to Roswell L. Nason—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 14819) granting an increase of pension to Ellenor E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14820) granting an increase of pension to John Noble—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 14821) granting a pension to Charlotte Rockwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14822) granting an increase of pension to August Scheer—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 14823) granting an increase of pension to Silas W. Rider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14824) granting an increase of pension to John De Groff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14825) granting a pension to Alice G. Lewis—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 14826) granting an increase of pension to James A. Edmonds—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14827) granting an increase of pension to Harriet Ann Long—to the Committee on Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to Mahala Geren—to the Committee on Pensions.

Also, a bill (H. R. 14829) granting an increase of pension to Andrew J. Black—to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 14830) granting an increase of pension to Myron G. Watrous—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting a pension to Theodore E. Hamilton—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 14832) granting an increase of pension to Andrew D. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) for the relief of John W. Zoerb—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 14834) granting an increase of pension to Sylvanus Hersey—to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 14835) granting an increase of pension to Elizabeth Deiterle—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 14836) granting an increase of pension to A. M. Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14837) granting an increase of pension to William P. Wade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14838) granting a pension to Martha Bell Alger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14839) granting a pension to Mary E. Cornelius—to the Committee on Pensions.

Also, a bill (H. R. 14840) granting a pension to James L. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14841) for the relief of R. Z. Moss—to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 14842) granting an increase of pension to Henry E. Silcox—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 14843) granting a pension to Alice Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14844) granting an increase of pension to John B. Wheeler—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 14845) to reimburse James Whytock for money paid on desert entry No. 269, subsequently canceled—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 14846) granting a pension to Lucy L. Bane—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 14847) granting a pension to Icybinda Spalding—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14848) granting an increase of pension to Joanna Leak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting an increase of pension to James H. Blagg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) granting an increase of pension to Mrs. E. C. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14851) granting an increase of pension to George L. Clonts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14852) granting an increase of pension to Ellen J. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14853) granting an increase of pension to J. M. Potts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14854) granting an increase of pension to James C. Clouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to James W. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14856) granting an increase of pension to John W. Gregory—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14857) granting an increase of pension to Tennessee Williams—to the Committee on Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14858) granting a pension to Henry Hobough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14859) granting a pension to Christopher Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14860) granting a pension to John W. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14861) granting a pension to James A. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14862) granting a pension to P. B. Pulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14863) granting a pension to Phillip Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14864) granting a pension to Winburn Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) for the relief of Abram Floyd and

S. H. Floyd, heirs of Mahala Floyd—to the Committee on War Claims.

Also, a bill (H. R. 14866) to correct the military record of Davis Todd—to the Committee on Military Affairs.

Also, a bill (H. R. 14867) authorizing the Secretary of the Interior to place on the pension roll all the members of Grant A. Kenamore's company, Missouri Militia—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 14868) granting an increase of pension to Harrison Lyons—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 14869) granting an increase of pension to Carlos L. Buzzell—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 14870) for the relief of Clarence W. Turner—to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 14871) granting an increase of pension to Julius B. Work—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14872) authorizing appointment of Hugh T. Reed upon the retired list of the Army with rank of captain with twenty years' service—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 14873) for the relief of George M. Carroll—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14874) granting an increase of pension to Henry Rittenhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14875) granting an increase of pension to Cecilia W. Simon—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 14876) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails—to the Committee on Claims.

Also, a bill (H. R. 14877) granting a pension to Zachariah T. Houseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14878) granting an increase of pension to Martin H. Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14879) granting an increase of pension to Eliza Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14880) granting an increase of pension to Osie B. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14881) granting an increase of pension to John J. Chrysler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14882) granting an increase of pension to Peter W. McIntyre—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 14883) granting an increase of pension to Conrad Rupert—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14884) granting an increase of pension to Prescilla Alden Nicolson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14885) granting an increase of pension to William Hood—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 14886) for the relief of the heirs of the late John Hawkins—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 14887) granting a pension to Mary J. Lambert—to the Committee on Invalid Pensions.

By Mr. SAUNDERS: A bill (H. R. 14888) for the relief of J. J. Lautenschlager—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 14889) for the relief of William Fletcher—to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 14890) to remove the charge of desertion from the military record of Joseph C. Kuebbeler—to the Committee on Military Affairs.

Also, a bill (H. R. 14891) to remove the charge of desertion from the military record of Aaron Lanfare—to the Committee on Military Affairs.

Also, a bill (H. R. 14892) granting a pension to Margaret Wilson—to the Committee on Pensions.

Also, a bill (H. R. 14893) authorizing the appointment of Col. H. R. Brinkerhoff, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14894) authorizing the appointment of Col. S. A. Day, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14895) authorizing the appointment of Col. T. J. Kirkman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the Army—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 14896) granting an in-

crease of pension to Daniel G. W. Norman—to the Committee on Pensions.

Also, a bill (H. R. 14897) granting an increase of pension to John W. Lanier—to the Committee on Pensions.

Also, a bill (H. R. 14898) granting a pension to Sindrilla Albritton—to the Committee on Pensions.

Also, a bill (H. R. 14899) for the relief of George A. Williams—to the Committee on Claims.

Also, a bill (H. R. 14900) for the relief of James D. Butler—to the Committee on War Claims.

Also, a bill (H. R. 14901) for the relief of William J. Hays—to the Committee on War Claims.

Also, a bill (H. R. 14902) granting an increase of pension to John F. Jones—to the Committee on Pensions.

Also, a bill (H. R. 14903) granting an increase of pension to Hiram A. McLeod—to the Committee on Pensions.

Also, a bill (H. R. 14904) granting an increase of pension to Isham Walker—to the Committee on Pensions.

Also, a bill (H. R. 14905) granting a pension to Annie A. W. Stone—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 14906) granting an increase of pension to Sarah E. Willis—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 14907) granting a pension to Charles E. Stevens—to the Committee on Pensions.

Also, a bill (H. R. 14908) granting an increase of pension to Thomas A. Sorrell—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 14909) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14910) for the relief of Capt. William Hill, of Wit, Carteret County, N. C.—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 14911) granting an increase of pension to Levi Bolton—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 14912) granting a pension to Mary L. Wallingford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14913) granting a pension to Cornelius Bell—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 14914) granting an increase of pension to Martin Kohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14915) granting an increase of pension to Gustav Timple—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 14916) granting an increase of pension to James Tenbrook—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 14917) granting a pension to Joseph I. Teders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14918) granting an increase of pension to Milton Laird—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of H. A. Starr and 4 others, of Danville; R. M. King, of Kings; and Baker, Mayer & Co., of Chicago, all in the State of Illinois, for a permanent tariff commission—to the Committee on Ways and Means.

Also, memorial of Charles V. Gridley Camp, Sons of Veterans, of Erie, Pa., for increased pay for officers and enlisted men in Army and Navy and Revenue-Cutter Service, and for retirement of enlisted men serving twenty-five years—to the Committee on Ways and Means.

Also, petition of John P. Doyle, of Mount Vernon, Ill., for legislation for extension of marketage for American products—to the Committee on Ways and Means.

Also, memorial of the Teutonia and other similar societies, of Philadelphia, Pa., and other cities, against H. R. 13655, to limit effect of the regulation of commerce between the States in certain cases—to the Committee on the Judiciary.

Also, petition of Kenton Cove, of Greenup, Ill., for more liberal pensions for soldiers of advanced years—to the Committee on Invalid Pensions.

By Mr. ACHESON: Paper to accompany bill for relief of Henry Stevens—to the Committee on Invalid Pensions.

By Mr. ANDRUS: Petition of Local Union, No. 6, International Typographical Union of North America, for removal of tariff on white paper—to the Committee on Ways and Means.

By Mr. ANTHONY: Petition of citizens of Corning, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Mr. ASHBROOK: Paper to accompany bill for relief of Jennie Bain—to the Committee on Pensions.



Also, paper to accompany bill for relief of Henry B. Keffer—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of Savannah Pilots' Association, against H. R. 4771, to remove discrimination against American coastwise vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNET of New York: Paper to accompany bill for relief of A. H. Bradley—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of D. McM. Gregg and 60 other volunteer officers of the civil war, of Pennsylvania, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. BOOHER: Papers to accompany bill for relief of Barclay J. Benbow and Josiah Vanbuskirk—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Hamlin T. Buckner, Thomas J. Little, William T. Cobb, S. H. Manning, Charles N. Telden, and 345 other citizens, for the creation of a volunteer retired list—to the Committee on Military Affairs.

By Mr. CALDER: Petition of Kansas State Horticultural Society, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Interdenominational Missionary Union, for an adequate Sunday rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CALDERHEAD: Petition of S. G. Burdick, favoring pension legislation for the benefit of ex-Union prisoners of war—to the Committee on Invalid Pensions.

Also, petitions of Ottawa Commercial Club; H. W. Seltz & Co., of Clay Center; V. Kest & Sons, of Cuba; and Commercial Travelers' Congress, all of the State of Kansas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of L. W. Everhart, of Fort Scott, Kans., for amendment to the copyright bill (Kittredge bill)—to the Committee on Patents.

Also, petition of Fruit Growers' Association of California, for a modification of the Chinese-exclusion law in a way to benefit employers of agricultural labor—to the Committee on Immigration and Naturalization.

Also, petition of Commercial Telegraphers' Union of America, for Congressional investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Carr, asking favorable consideration of the Taylor bill, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of San Diego (Cal.) Chamber of Commerce, for appropriation to provide more adequate protection of harbors of the Pacific coast and Hawaiian Islands—to the Committee on Military Affairs.

Also, petition of Typographical Union of Pittsburg, Kans., for removal of duty on paper and wood pulp—to the Committee on Ways and Means.

Also, petition of the Chicago Association of Commerce, for legislation insuring increased efficiency in the consular service—to the Committee on Foreign Affairs.

Also, petition of W. D. Walker, of New York, favoring increase of pay for officers and men of Army and Navy—to the Committee on Military Affairs.

Also, petition of Commercial Club of Topeka, favoring a liberal ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Bank of Commerce, relative to the Owen bill, securing depositors in United States national banks, and amendments thereto urging currency legislation—to the Committee on Banking and Currency.

Also, petitions of veterans of Sedan, Chatauqua County; Samuel A. Varney and others, of Washington; M. Wheeler and others, of Morrisville; and Manhattan Post, Grand Army of the Republic, of Manhattan, all in the State of Kansas, favoring the Sherwood pension bill, granting \$1 per day to all soldiers of civil war serving eighteen months and over—to the Committee on Invalid Pensions.

Also, petition of Job Harriman and A. R. Holston, against any change of present extradition treaties with and immigration laws relative to Mexico—to the Committee on Immigration and Naturalization.

Also, petition of S. H. Cowan, for legislation to improve the live-stock traffic conditions of the United States, favoring to that end Senate bill 483 (by Senator CULBERSON)—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Henry B. Keffer—to the Committee on Invalid Pensions.

Also, petition of survivors of Company F, Fourteenth Kansas State Militia, for amendment of H. R. 4020 and S. 590, so as

to include all members of the Kansas State Militia—to the Committee on Invalid Pensions.

By Mr. CAPRON: Paper to accompany bill for relief of John H. White—to the Committee on Invalid Pensions.

Also, petition of librarian of Brown University, Providence, favoring H. R. 11794—to the Committee on Ways and Means. Also, petition of Barnard Club, of Providence, favoring H. R. 24757, for the encouragement of education in agricultural high schools—to the Committee on Agriculture.

By Mr. CLARK of Florida: Petition of Commercial Travelers' Congress, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of Minnesota: Petition of Asiatic Exclusion League, for legislation to adequately exclude all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Susanna F. Franklee—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Donlon—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James S. Kelley—to the Committee on Invalid Pensions.

Also, petition of Minneapolis Clearing-House Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Fruit Growers' Association of California, for modification of Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. DE ARMOND: Paper to accompany bill for relief of David R. Walden—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Woman's Interdenominational Missionary Union of District of Columbia, for a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Woman's Interdenominational Missionary Union of the District of Columbia, for a Sunday-rest law for the District—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Charlotte Rockwell—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of citizens of the District of Columbia, for control of the street railways by the District Commissioners and investigation of said roads by Congress as to organization, capitalization, etc.—to the Committee on the District of Columbia.

By Mr. GRAHAM: Petitions of L. S. Randolph and R. M. Dixon, favoring H. R. 11562, for the return to Stevens Institute of Technology the collateral inheritance tax of \$45,750—to the Committee on Claims.

By Mr. HAYES: Paper to accompany bill for relief of John H. Sain—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Paper to accompany bill for relief of George H. Bailey—to the Committee on Invalid Pensions.

Also, petition of Baker Post, of Columbus, Nebr., and citizens of Stromsburg, Polk County, Nebr., for H. R. 4805, to pension widows of soldiers at same rate that their husbands were pensioned—to the Committee on Invalid Pensions.

Also, petition of Commandery of Nebraska, Loyal Legion, for volunteer retired list—to the Committee on Military Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of estate of Susan Burt—to the Committee on War Claims.

By Mr. KAHN: Petitions of J. O. Heron and J. E. Wolff, for effectual legislation against all Asiatics except merchants, students, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Golden Gate Harbor, No. 40, American Association of Masters, Mates, and Pilots of Sailing Vessels, of San Francisco, Cal., against H. R. 4771 (the Littlefield bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of Boston Associated Board of Trade, for legislation to secure an elastic currency—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petition of citizens of Turner, Me., for a volunteer retired list—to the Committee on Military Affairs.

By Mr. MCKINNEY: Petitions of Isaac McManus Post, Grand Army of the Republic, of Keithsburg, Ill., for enactment of H. R. 4862, pensioning widows of soldiers at the rate of \$12 per month under provisions of the law of June 27, 1890; also for Sherwood bill, providing \$1 per day for all soldiers of civil war who served eighteen months or over—to the Committee on Invalid Pensions.

Also, petitions of Levi Barber, merchant, and 25 others of Bushnell; O. A. Bridgford, banker, and 64 others, of Aledo; and George W. Reid, justice of the peace, and 46 others, of

Macomb, all in the State of Illinois, favoring enactment of a volunteer retired-list law—to the Committee on Military Affairs.

Also, petition of Rock Island County (Ill.) Farmers' Institute, against boards of trade and fixing of prices of farm produce thereby—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petitions of citizens of Pigeon and McGregor, Mich., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Paper to accompany bill for relief of Julius B. Work—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of George M. Carroll—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, favoring H. R. 7964, for an immigration station—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of Commercial Travelers' Association of San Francisco, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Paper to accompany bill for relief of Mary J. Lambert—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petitions of Local Union No. 154, of Dukes; Local Union No. 130, of Bristol; Local Union of Holmes County; Local Union of Oak Grove; Local Union of Walton County; Local Union No. 156, of Perry; Local Union No. 194, of Pleasant Hill; Local Union No. 85, of Jennings; Local Union No. 193, of Harlem, and Local Union No. 148, of Center Hill, Farmers' Educational Union, of the State of Florida, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Paper to accompany bill for relief of Mrs. Sarah E. Willis—to the Committee on Pensions.

By Mr. SMITH of Michigan: Petition of John M. Bearse and 9 others, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of purchasers of land on ceded Indian reservation in the State of Minnesota, purchased under act of February 20, 1904, asking for an additional homestead right—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of Capt. William Hill, of Wirt, N. C.—to the Committee on War Claims.

By Mr. WANGER: Petition of Commercial Travelers' Congress of San Francisco, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON: Paper to accompany bill for relief of Mary L. Wallingford—to the Committee on Invalid Pensions.

By Mr. WOOD: Paper to accompany bill for relief of James Tenbrook—to the Committee on Invalid Pensions.

Also, petition of James Eastwood, Henry Torrance, L. S. Randolph, Frederick A. Lydecker, Charles J. Bates, Alfred H. Schlesinger, Carroll Miller, Maurice Coster, William L. Lyall, C. W. Whiting, and Alten S. Miller, favoring passage of H. R. 11562, for the repayment of the collateral inheritance tax to the Stevens Institute of Technology, of Hoboken, N. J.—to the Committee on Claims.

## SENATE.

THURSDAY, January 23, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

### SUBMARINE TORPEDO BOATS IN STATE OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 13th instant, a report as to the cost of two submarine torpedo boats to be stationed on Puget Sound and one submarine torpedo boat to be stationed at Grays Harbor, State of Washington, which was referred to the Committee on Naval Affairs and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the trustees of the Methodist Episcopal Church South, of Mount Sterling, Ky., *v. United States*;

In the cause of Jacob H. Van Name *v. United States*;

In the cause of the trustees of the Fetterman (now West Main Street) Methodist Episcopal Church, of Grafton, W. Va., *v. United States*;

In the cause of the Methodist Episcopal Church South, of Bowling Green, Ky., *v. United States*;

In the cause of the Cleveland Masonic Lodge, No. 134, of Cleveland, Tenn., *v. United States*;

In the cause of Mrs. J. H. T. Jackson, administratrix of the estate of Elizabeth H. Welford, deceased, *v. United States*; and

In the cause of Victorie C. Avet, administratrix of the estate of Vincent Avet, deceased, *v. United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 456) to provide for the building of United States district and circuit courts at Salisbury, N. C., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 13102) to authorize the county of Elmore, Ala., to construct a bridge across the Coosa River, Alabama, in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Local Union No. 323, International Typographical Union, of Hoboken, N. J., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the State Association of Master Painters and Decorators, of Jersey City, N. J., praying for the enactment of legislation providing for the labeling of paint materials along the lines of the present pure food and drug law, which was referred to the Committee on Manufactures.

He also presented a petition of sundry pilots of Delaware Bay and River, of Cape May, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of East Orange, Passaic, Maywood, Madison, and Millington, all in the State of New Jersey, and of sundry citizens of New York City, N. Y., Baltimore, Md., Blacksburg, Va., and Pittsburg, Pa., praying for the enactment of legislation to refund the inheritance tax to the Stevens Institute of Technology, which were referred to the Committee on Finance.

Mr. BURROWS presented resolutions of the legislature of the State of Michigan, which were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,  
Lansing, Mich., January 18, 1908.

I, Clarence J. Mears, deputy secretary of state of the State of Michigan and custodian of the great seal of the State, hereby certify that the attached sheets of paper contain a correct copy of house resolution No. 61. In witness whereof, I have hereto affixed my signature and the great seal of the State, at Lansing, this 18th day of January, in the year of our Lord 1908.

[SEAL.]

CLARENCE J. MEARS,  
Deputy Secretary of State.

House resolution 61.

Concurrent resolution requesting Congress not to make any further reductions in the tariff on sugar.

Whereas during the past nine years over \$10,000,000 have been invested in the beet-sugar factories of Michigan, whose output this past year was nearly 150,000,000 pounds of sugar, valued at \$6,500,000, of which over \$3,000,000 were paid to the farmers of the State for the cultivation of 75,000 acres of Michigan farm land; and

Whereas this great industry was started under promises from the State of Michigan of a bounty of 1 per cent per pound for all granulated sugar manufactured from the beet, which bounty the factories of the State, with one exception, have never received; and

Whereas the beet-sugar manufacturers of Michigan have more than kept their promise to the State, that the farmers should be paid \$4 per ton for 12 per cent beets, by actually increasing such price to \$4.50 and \$5 per ton; and

Whereas in the United States, during the past year, beets were harvested from 317,284 acres, and for the first time in our history the output of beet sugar in this country exceeded that of cane sugar; and

Whereas since this industry was started under promised protection in the platform of the Republican party, sugar has been admitted free from Hawaii and Porto Rico, and at a largely reduced rate of tariff from Cuba, to the great detriment of the beet-sugar interest, while only the loyalty of a few Republican Senators, led by Senator BURROWS, saved this industry from a deathblow by the free admission of Philippine sugars to our market; and

Whereas it has now been practically demonstrated that, if left alone, the beet-sugar industry of the country will produce sufficient sugar not only to supply the rapidly increasing demand in this country, but for export as well; Therefore,

Resolved by the house (the senate concurring), That we do earnestly protest against any further reduction of the tariff on sugar, as calculated to ruin one of the most important industries of this country;

Resolved, That our Senators and Representatives in Congress be, and are hereby, requested to use their utmost endeavors to prevent any such reduction, and as far as possible to discourage any agitation of the question at the next session of Congress; and

Resolved, That the secretary of state be instructed to transmit to each Senator and Representative in Congress from the State of Michigan a certified copy of these resolutions before the convening of the next session of Congress.